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97TH CONGRESS, 2d Session } SENATE { REPORT No. 97-587

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JUSTICE ASSISTANCE ACT OF 1982

REPORT

together with

ADDITIONAL VIEWS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ON

S. 2411

SEPTEMBER 24 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

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[97th Congress]

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97TH CONGRESS, 2d Session } SENATE { REPORT No. 97-587

JUSTICE ASSISTANCE ACT OF 1982

SEPTEMBER 24 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 2411]

The Committee on the Judiciary to which was referred the bill (S. 2411) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

I. PURPOSE

A violent crime—murder, rape, robbery or aggravated assault—was reported in 1981 every 24 seconds. Over the last 10 years, reported arrests for violent crime have risen more than 58 percent. Since a great deal of crime is never reported, as much as half of violent crime is not reported to police according to Bureau of Justice statistics' estimates, even these startling statistics underestimate the true extent of the crime problem. A 5 percent rate for inflation represents a welcome improvement for many Americans, a 5 percent interest rate would elicit celebration and stimulation in large segments of our economy, but a 5 percent annual increase in violent crime is intolerable. Violent crime poses a threat to our very way of life.

In 1981, the Attorney General appointed a distinguished Task Force on Violent Crime. Among the recommendations of the Task Force are many that may serve to aid local law enforcement efforts. Recommendation 53 urges the Attorney General to ensure that adequate federal resources are made available for research, development, demonstration and independent evaluation of methods to prevent or re-

duce serious crime and to ensure adequate resources for implementing programs of proven effectiveness at the state and local levels. Recommendation 52 calls for the Attorney General to support new legislation to allow direct federal financial assistance to state and local governments that are suffering a disaster or emergency in criminal justice and for him to seek adequate funding for such assistance. Recommendation 51, the collection, and analysis of justice statistics. Recommendations 10, 11, 44, 45, and 46 were each concerned with providing increased opportunities for Federal training and technical assistance to local law enforcement.

Most crime violates state and local statutes and represents matters for local concern. But while public safety is and must remain primarily the responsibility of local authorities, the Federal Government can and should assist state and local jurisdictions in a coordinated effort against crime at all levels.

The Justice Assistance Act of 1982, S. 2411, gives the Federal Government the opportunity to increase its contribution to the Nation's law enforcement efforts. It establishes a framework through which the Federal Government will be able to provide the seed money and technical assistance so desperately needed by local authorities to implement anticrime programs that have been proven effective.

In addition, the Act provides special authority to aid state and local governments suffering criminal justice disasters or emergencies of overwhelming proportions. The Federal Government must have authority in place and resources at the ready so as not to lose precious time responding in compelling circumstances. The recent wave of child murders in Atlanta and the drug, immigration and crime problems of South Florida are the types of problems that are simply beyond the resources of local and state government.

The Act also strengthens the Federal Government's response to several other recommendations of the Task Force that encouraged federal training and support programs to be provided to state and local law enforcement agents.

Finally, the Act will allow the Federal Government to fulfill what is unquestionably its strongest role in assisting local law enforcement by funding the development of new and innovative approaches to fighting crime and providing the research and statistical resources necessary to developing and testing such approaches.

II. HISTORY

In 1967, the President's Commission on Law Enforcement and Administration observed that "crime is a national, as well as a State and local phenomenon; it often does not respect geographical boundaries." The Commission called for the creation of a federal agency to support law enforcement and criminal justice efforts. In response, the Congress enacted the Omnibus Crime Control and Safe Street Act of 1968.

Federal financial assistance to aid state and local law enforcement efforts became available with passage of the Act, the establishment of the Law Enforcement Assistance Administration (LEAA) and creation of the first major Federal block grant program. In addition, categorical grants were made available for national level programs,

including research, technical assistance, training, statistics and demonstration activities. Over the next 12 years, annual LEAA appropriations went from an original $63 million to a high of $871 million in fiscal years 1974 and 1975.

The Justice System Improvement Act of 1979 (JSIA) made a concentrated effort to respond to the criticism attached to LEAA by the alleviation of redtape and delay; establishment of the National Institute of Justice and the Bureau of Justice Statistics as independent units; and establishment of a superbureaucracy the Office of Justice Assistance, Research and Statistics (OJARS), which was intended to improve management and coordination. Without the appointment of the Administrator, directors, and advisory boards provided by JSIA and without any new budget authority for LEAA since March 1980, the promise of Federal criminal justice assistance has gone unfulfilled.

In late 1980, the Senate Subcommittee on Jurisprudence and Government Relations held two hearings on the role of the Federal Government in state and local law enforcement. The hearings examined the success and failings of the LEAA experience as well as the appropriate role of the Federal Government in its efforts to assist state and local jurisdictions combat crime.

In 1981, the House Subcommittee on Crime also examined the LEAA experience, holding more than 5 days of hearings on proposed legislation to provide a Federal criminal justice grant program. On February 10, 1982, the House passed H.R. 4481, the Justice Assistance Act of 1981, by a vote of 289 to 73.

In 1982, the Senate Subcommittee on Juvenile Justice held hearings on the role of the Federal Government in assisting State and local law enforcement. On April 21, 1982, Senator Arlen Specter, chairman of the subcommittee, and Senators Biden and Heflin joined to introduce S. 2411, the Justice Assistance Act of 1982. The bill was referred to both the Juvenile Justice and the Criminal Law Subcommittees for consideration. It was polled favorably by the Juvenile Justice Subcommittee on June 30 and by the Criminal Law Subcommittee on July 19, 1982. During this process, Senator Kennedy, a member of the Subcommittee on Juvenile Justice, and Senator Mathias, Chairman of the Subcommittee on Criminal Law, joined as cosponsors of S. 2411.

The hearings before the Senate Subcommittee on Juvenile Justice and the House Subcommittee on Crime produced a virtually unanimous view of the need for some type of Federal criminal justice assistance. Support for assistance came from the National District Attorneys Association, the International Association of Chiefs of Police, and the National Council of Juvenile and Family Court Judges. This legislation has been endorsed by the National Association of Counties, the Police Executive Research Forum, American Correctional Association, the American Bar Association, U.S. Conference of Mayors, and the National League of Cities. These and other organizations, including the National Criminal Justice Association and the National Center for State Courts, offered constructive suggestions to improve the bill. These suggestions were incorporated into the bill as amendments approved by both subcommittees.

On September 14, 1982, the Committee on the Judiciary considered S. 2411 and acted to report the bill favorably, without objection.

III. SECTION-BY-SECTION ANALYSIS

Section 1—Short Title

This Act may be cited as the "Justice Assistance Act of 1982."

Section 2—Declaration and Purposes

This section contains the congressional findings and policies on which the Act is based. The deletions of references to juvenile delinquency are intended to signify full recognition of the importance of the Juvenile Justice and Delinquent Prevention Act and the independence of the Office of Juvenile Justice and Delinquency Prevention affirmed by the Juvenile Justice Amendments of 1980. This in no way signifies any lessening of commitment to the federal juvenile justice and delinquency prevention program, but on the contrary indicates the Committee's resolve to continue that program while respecting its separate authorizing legislation.

Section 3—Office of Justice Assistance

This section abolishes the Law Enforcement Assistance Administration and establishes the Office of Justice Assistance (OJA) under the general authority of the Attorney General. The OJA will be headed by a Director who is to be appointed by the President, by and with the advice and consent of the Senate. The Director is empowered to appoint Deputy Directors and other employees as are necessary to perform the functions of OJA and he is to have final authority over all grants, agreements and contracts awarded by OJA. It defines the duties and functions of the Director of OJA. Chief among these duties are to provide funds to successful applicants for federal grants to implement programs of proven effectiveness in fighting crime and to develop promising and innovative programs to combat crime; to establish the priorities for programs by which federal financial and technical assistance is to be appropriated; to administer the emergency federal law enforcement assistance program; to report to the Congress and the President; and to perform such administrative functions as may be necessary to carry out the congressionally defined purposes of his Office.

The Committee concurs with Recommendation 53 of the Attorney General's Task Force on Violent Crime that a legitimate and much needed role for the Federal Government in the fight against crime is the providing of federal financial assistance to encourage the local implementation of programs of proven effectiveness and to fund the testing and development of promising criminal justice research. By setting national priorities, supporting improvements in justice systems and encouraging coordination among criminal justice components.

The section also establishes a Justice Assistance Board which shall consist of fifteen voting members appointed by the President and representatives from the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and their advisory boards, who will serve as nonvoting members. The primary functions of this Board are

to make recommendations to the Director of OJA concerning funding priorities; to review the activities of OJA; to review and evaluate federal policies and priorities in criminal justice assistance; and to coordinate with the other advisory boards.

The Committee is disappointed in the lack of Executive cooperation and resulting lost opportunity to test the structure mandated by the Justice System Improvement Act of 1979. With the abolition of LEAA the Committee is also eliminating the Office of Justice Assistance, Research and Statistics (OJARS). The OJARS superstructure is being replaced by a series of interlocking advisory boards and a new Assistant Attorney General who will be responsible for ensuring support services from the Department. By including representatives from each advisory board and each agency head of the other justice assistance agencies nonvoting membership on the Justice Assistance Board, the Committee intends to provide the maximum opportunity for exchanging information and facilitating coordination among OJA, NIJ, BJS and OJJDP without a costly or burdensome administrative overlay.

The terms of appointment of advisory board members shall be staggered and fixed. In this way continuity can be preserved, which is especially important to multiyear projects, while still recognizing an appropriate role for change among presidentially appointed boards.

Section 4—National Institute of Justice

This section sets forth the purposes of the National Institute of Justice (NIJ), which remain unaltered, and defines the duties and functions of NIJ. Chief among these are to provide financial and technical assistance for state and local governments, public agencies and institutions of higher education to conduct research, demonstrations and special projects; to conduct or authorize research and development concerning the criminal justice systems directed at alternative and innovative programs; and to serve as a national clearinghouse for the exchange of information with respect to the activities of NIJ. It establishes the position of a Director of NIJ who shall have final authority over the awarding of grants, contracts and agreements and for the administrative functions of NIJ.

This section provides that any grant made by NIJ may be for up to 100 percent of the total cost of a project, but that NIJ may require the recipient of a grant to contribute money, services or facilities whenever possible.

Over the past 20 years, there has been general agreement about the need for federal involvement in the development of criminal justice research. The purpose of NIJ is to operate a national independent research effort for the purposes specified in the Act. Congress has determined that if federal justice research, demonstration and evaluation is to play an important role in setting national policy and direction in anticrime and justice systems improvement, then the National Institute of Justice must have the independence and the autonomy needed to carry out its authority. Section 4 addresses the program of the National Institute of Justice. These amendments are not intended to alter dramatically the research program established in 1979 by the Justice System Improvement Act, but to clarify the objectives

of the program by improving the NIJ Advisory Board and stressing the independence of the NIJ and the authority of the presidentially appointed Director of NIJ over its program.

During the 1970's several authorative reports [1] on the federal role in criminal justice research stressed two primary themes—the need for a balanced program of basic and applied research and the importance of an independent research program. These objectives were explicitly adopted by Congress with the JSIA.[2] The amendments to Section 202(b) of JSIA are intended to emphasize this independence by ensuring that the Director's authority over the program includes necessary control over such administrative matters as personnel and budgeting. These are important to effective management of the program.

Section 202(c)(2) of JSIA has been amended by adding:

> (12) provide financial assistance to encourage replication, coordination and sharing among State and local criminal justice agencies, public and private nonprofit organizations regarding successful programs of projects and useful information resulting from multiyear and short-term research and development authorized under this part.

It is the Committee's clear intent that a process be established which facilitates the utilization of research funding at both the state and local levels.

Section 204 of JSIA has been strengthened to extend and clarify the authority of NIJ's Advisory Board. The provisions in this section will limit the Advisory Board to 15 members appointed by the President, instead of 21 members appointed by the Attorney General. Two representatives each from the Bureau of Justice Statistics Advisory Board, the Justice Assistance Board and the National Advisory Committee for Juvenile Justice and Delinquency Prevention are also included as nonvoting members as are the presidentially appointed heads of each of these agencies, in order to insure essential program linkage and program consistency by coordinating the activities of the Institute with other federal justice assistance components. The Committee intends that the primary activities of the NIJ Advisory Board be directed toward formulation, review and recommendation of program priorities for the Institute. The Committee does not intend that the NIJ Advisory Board review individual grant awards or be involved in the selection of contractors or grantees.

The Committee concluded that the research, statistical and action components of this legislation should be better coordinated and focused. There should be a basic strategy and linkage of research, program development, testing, demonstration and evaluation.

Section 5—Bureau of Justice Statistics

This section states the purposes of the Bureau of Justice Statistics (BJS) and defines the duties and functions of BJS. Primary among the functions of BJS are to collect, analyze and disseminate data

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[1] E.g. "The Federal Role in Crime and Justice Research," 95th Congress 1st Session. (November 1977); National Academy of Sciences, "Understanding Crime, an Evaluation of the National Institute of Law Enforcement and Criminal Justice." (1977).

[2] See Senate Report 96-142, 96th Congress, 1st Session, pp. 49-51 (1977).

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relevant to federal crime rates and the federal criminal justice system; and to provide financial and technical assistance to states, local authorities and private organizations involved in law enforcement or similar research and development projects. The Bureau is to be headed by a Director who will have final authority over the awarding of grants, contracts and agreements and administrative activities of BJS.

This section provides that any grant made by the BJS may be for up to 100 percent of the cost of a project, but that the BJS may require the recipient of grant to contribute money, services or facilities whenever possible.

This section establishes the BJS Advisory Board. This Board is to serve the same function for the BJS as the NIJ Advisory Board does for NIJ. The structure of the BJS Advisory Board parallels that of the NIJ Advisory Board.

Finally, this section requires that data compiled by the BJS is to be used for research purposes only and that it is in no way to be used by law enforcement personnel against specific individuals.

Congress has long agreed that the Federal Government has an important role to play in the collection and dissemination of statistical information about crime. The purpose of BJS is to create a centralized, independent agency within the Department of Justice and to support the development and operation of criminal justice information systems at the state and local level.

Section 301 of Part C of the Justice System Improvement Act has been amended to read that among BJS's purposes is the provision of support for the operation of information on statistical systems at the federal, state and local levels. The Committee recognizes that statistical collection and analysis, support of the development, operation and coordination of state and local information systems and information policies are interdependent and that both statistical and information programs must be supported and coordinated at the federal level to ensure a coherent, effective and economic approach to criminal justice.

Section 5(c)(1) of Section 301 has been amended to extend the authority of the BJS Advisory Board. The provisions in this section will limit the Advisory Board to 15 members appointed by the President, instead of 21 members appointed by the Attorney General. Two representatives each from the NIJ Advisory Board, Justice Assistance Board and the National Advisory Committee for Juvenile Justice and Delinquency Prevention are also included as nonvoting members as are the presidentially appointed heads of each of these agencies, in order to assure essential program linkage.

The legislation reflects congressional awareness of the broad impact that criminal justice statistics and information can have on criminal justice operations. For this reason, the composition of the advisory board intentionally includes representatives of a wide range of criminal justice related expertise. In order best to utilize this expertise, the Committee intends that the primary activities of the BJS Advisory Board be directed toward formulation, review and recommendation of program priorities for the Bureau. The Committee does not intend that the BJS Board review individual grant awards or be involved in the selection of contractors or grantees.

Section 302(a) of JSIA has been amended to clarify and support BJS and the authority of the Director. It is the intention of Congress that the Bureau shall be headed by a Director appointed by the President with the advice and consent of the Senate. Under the general authority of the Attorney General, the Director shall select for employment such employees as are necessary to perform the functions of the Bureau. The Director shall also have final authority in the policy-setting, grant-making and management authority of BJS. The Director shall have final authority over other administrative functions as may be necessary to carry out the provisions of this part.

In order for it better to carry out its intended purposes, the Committee has set forth and strengthened BJS's authorization under this Act. Specifically, section 302(c)(13) has been amended to read "provide financial and technical assistance to states and units of local government relating to development, operation, collection, analysis, or dissemination of justice statistics and development and operation of justice information systems" and section 302(c)(16) to read "insure conformance with security and privacy regulations issued pursuant to section 716 and assist in the development of guidelines for statistics, privacy and security, and information policy."

The amendment to section 302 (c) and (d) of JSIA also sets forth expressly BJS's authority to provide assistance to encourage replication, coordination and sharing among criminal justice agencies regarding information systems, information policy and statistics in order to promote state and local justice systems and statistics.

Section 6—National Priority Implementation and Replication Programs

This section defines the purposes of the National Priority Implementation Grants, which are a means of encouraging state and local governments and private nonprofit groups to replicate programs of proven effectiveness in addressing national crime priorities.

This section limits the federal share to no more than 50 percent of the total cost incurred by the grantee in implementing a program of proven success. The section establishes a scale for two, three, and four-year grants whereby the Federal Government's 50 percent share of the program cost will be provided in steadily declining annual increments.

This section guides the authority of the Director of OJA in making grants under Part D to authorize funds for programs that he has certified as proven successful based on empirical evaluation standards established by OJA. In addition, the section defines more than a dozen priority areas to be considered by the Director and OJA in establishing funding priorities.

Finally, this section requires that all applications for grants under part D include evidence of the applicant's ability to share program costs by cash match and the applicant's commitment to continuing the program beyond the term of the grant. In addition, this section requires that 30 percent of the funds appropriated under part D be allocated to private, nonprofit and community-based groups.

It is the purpose of this part to provide financial assistance to states, units of government, public and nonprofit organizations and neighbor-

hood and community-based groups to replicate programs and projects have been proven successful in meeting criminal justice problems that are national priorities. Financial awards shall be made to encourage local institutionalization of the program or project. It is the intention of this Committee that financial awards be made for programs that have been proven successful on the basis of available objective, empirical or statistical information.

Any Federal grant awarded under this part shall be used to support a portion of the total cost, as specified in the application for such grant, of replicating a program or project which has proven successful in addressing a national criminal justice or juvenile justice priority.

The Director of OJA is authorized to establish policy and regulation concerning fund availability to national priority initiatives selected for replication with federal assistance. Such policy and regulation shall include: (1) the amount of assistance to be made available to programs and projects making application under a given initiative, and (2) the period over which continued assistance may be expected; except that in no case shall a program or project receive federal assistance for a period in excess of four years nor shall a federal share be authorized at a level exceeding the funding limitations prescribed as follows for grants of specified durations:

(a) four years—not to exceed 90 percent in the first year, 75 percent in the second year, 50 percent in the third year, and 25 percent in the fourth year:

(b) three years—not to exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year;

(c) two years—not to exceed 50 percent in the first year and 25 percent in the second year;

(d) one year—not to exceed 50 percent.

In establishing such policy and regulation, the Director shall give primary consideration to the local institutionalization of programs and projects.

Applicants must provide cash match to contribute to the costs of the project or program.

It is the purpose of this part to provide incentive to states, their local units of government and others to move forward in their activities to fight crime and improve the administration of justice through the replication of programs and projects that have been previously tried and proved to address the problem on which they are focused. This incentive, forthcoming in the form of financial assistance, is provided in recognition of the severe financial constraints with which most jurisdictions are now confronted. At the same time, emphasis is placed on the importance of the commitment of the applicant jurisdiction to institutionalization of the project beyond the availability of Federal funds. The Committee has provided the Director of OJA optimum flexibility in establishing criteria for selection of programs and projects for funding, in the determination of the level of federal participation in project costs and in the formulation of continuation funding policy, all to the end that when federal funds provided under this part are directed to a project they are truly used as seed money to begin an initiative whose continued survival will be assured by the recipient jurisdiction.

The match required by this section must be in cash and cannot be in the form of in-kind services or in artifical budget shifts. This requirement cannot be waived. Match funds may, however, come from any source of funds available to the grantee, including other federal grant funds or state, local and private sources. The Committee has stressed the importance of cash match as a demonstration of local commitment toward the present and future operation of the funded program. When only limited Federal dollars are available it becomes essential that coordination of program efforts take place at the state and local levels. State and local cost assumption must be demonstrated to OJA prior to grant awards and during the life and operation of the grant.

Section 403. The Director of OJA is authorized to make grants providing assistance to implement programs and projects that address critical problems of violent and serious crime. The Director shall give priority to programs and projects that—

(1) identify and process within justice systems persons with a history of serious criminal conduct;

(2) provide programs that address the problems of serious and violent offenses committed by juveniles;

(3) combat arson;

(4) disrupt illicit commerce in stolen goods and property;

(5) effectively investigate and bring to trial white-collar crime, organized crime, public corruption crimes, and fraud against the Government;

(6) provide community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime;

(7) providing programs to speed the trial of criminal cases, reform sentencing practices and procedures, improve the efficiency of the jury system, and improve the processing of cases involving the mentally incompetent and pleas of mental incapacity;

(8) provide training, management, and technical assistance to justice personnel;

(9) provide assistance for the development and operation of justice information systems, including managament information systems;

(10) coordinate the activities of components of the criminal justice system;

(11) develop and implement programs which provide assistance (other than compensation) to jurors, witnesses, and victims of crime;

(12) provide programs which address offenses committed against the elderly;

(13) provide programs which identify and meet the needs of drug-dependent offenders;

(14) provide alternatives to pretrial detention, jail, and prison for persons who pose no danger to the community;

(15) provide programs which alleviate prison and jail overcrowding;

Serious and violent crime pose a particularly grave threat to our society. It is the hope of the Committee that in each jurisdiction priority attention will be directed to taking action to reduce incidents of

crime which are most threatening to the safety of our citizens. Likewise, with respect to implementation of part D, it is the expectation of the Committee that priority will be placed on the use of resources made available in the implementation of programs and people that is most likely to effect a reduction in violent and serious criminal activity.

It is the intent of the Committee that National Priorities Implementations and Replication Programs shall be implemented by the Director of OJA. The Director shall be responsible for establishing funding priorities and selection criteria.

Section 7—National Priority Grants

This section strikes part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 in order to allow for the discretionary grants established in section 8.

Section 8—Discretionary Grants

This section defines the purpose of the Discretionary Grant program. These categorical grants are to provide additional technical and training assistance for the replication of successful programs and to provide funds for the development of previously untested programs that the Director deems are likely to be successful in improving criminal justice efforts. Fifty percent of the total appropriation under this Part is to be made available for undertaking educational and training programs for criminal justice and juvenile justice personnel and for providing technical assistance for those wishing to replicate and implement successful programs in their jurisdiction. The other 50 percent is to be used to encourage and support the development of new programs. These programs, as indicated by research and statistics, are likely to prove successful after testing, evaluation and refinement and are not likely to be funded from other sources. The Committee intends that funding in this Part shall not duplicate funding priorities of NIJ, BJS and OJJDP.

This section places responsibility for establishing and publishing funding priorities and selection criteria for grants under part E with the Director of OJA. This section defines the application requirements for grants made under part E and empowers OJA to define the criteria for awarding grants made under part E.

It limits the part E grants to a maximum of three years in length. The OJA may extend this period by as much as two years if an evaluation of the authorized program indicates that it has been successful in improving criminal justice efforts and if the recipient of the grant is willing to provide at least 50 percent of the total cost necessary to continue the program during those two years.

Federal Discretionary money may be awarded in amounts up to 100 percent of the cost of the project or program. Based on sound program objectives and selection criteria, the match determination for funds awarded out of part E will be made by the Director of OJA. Thirty percent of all funds appropriated for this Part shall be allocated to private nonprofit organizations and neighborhood and community-based groups for the purposes specified in this part. It is the Committee's intent that nonprofit agencies who do not have the sophis-

ticated grant writing apparatus at their disposal, should have an equal opportunity to apply for these funds. In addition, it has been documented that many new and innovative program ideas have been successfully launched by nonprofit organizations. It is the Committee's intent that this should be encouraged.

Section 9—Training and Manpower Development

This section defines the purposes of part F to provide for and encourage training, manpower development and new personnel practices for improving the criminal justice system.

This section authorizes OJA establish and support training for prosecuting attorneys.

It authorizes OJA to offer technical and financial assistance to training programs for state and local law enforcement personnel. The grants made under this section may account for up to 100 percent of the total cost of a project, but may not exceed 80 percent of the operating budget of any funded agency or program.

This section authorizes the Director of the FBI to provide technical assistance for the training of state and local criminal justice personnel, and to use FBI training facilities for such purposes.

Finally, it establishes the formula for grants which OJA may make to students and institutions of higher education, pursuant to its authority to support criminal justice education programs. These grants may include loans to students planning careers in criminal justice fields, research grants to colleges and universities and direct financial assistance to full-time teachers of courses related to criminal justice.

One of the primary reasons for creating a federal program of justice assistance is to provide financial assistance to foster improvements and reforms in criminal justice which can most appropriately be developed in national programs—thus avoiding duplicative efforts on the state and local level. Providing training for criminal justice personnel on certain aspects of their work is one of the functions that can be most successfully carried out on a national level. National training programs are particularly beneficial in disseminating and demonstrating new principles and developments.

The Justice Assistance Act of 1982 provides programs and activities for education and training several different sections: the National Instiute of Justice is authorized to provide training, research fellowship, and workshops on the research authorized by part B of the bill. The OJA is authorized to provide financial assistance for the purposes of undertaking educational and training programs for criminal and juvenile justice personnel in part E and authorized to provide financial assistance to national educaton and training programs for state and local prosecutors, defense personnel, judges, and judicial personnel to improve the administration of criminal and juvenile justice in part G.

There are existing programs on the national level that have demonstrated value in providing training to personnel in various disciplines of the criminal justice system. Among these, three such outstanding programs should be mentioned as examples that merit federal financial support. These are the National College for Criminal Defense, the National College of District Attorneys, the National Judicial College

and the National Council of Juvenile and Family Court Judges. These colleges and programs of related organizations provide legitimate postgraduate programs for increasing the professional knowledge and skills of defense attorneys, prosecutors and judges. Through these courses, the attorneys and judges are able to enhance their contributions to improving the criminal justice system.

The Justice Assistance Act of 1982 remains consistent with JSIA. It specifies that grants or contracts under this section may be up to 100 percent of the total cost of the program, but that total financial support may not exceed 80 percent of the total operating costs. This is intended as a measure to have grantees assume some of the costs of the project. The language in the Justice Assistance Act supports the premise that programs will become self-sustaining.

Section 10—Administrative Provisions

This Act represents a restructuring of the administration of the federal criminal justice assistance programs. Under current law the program agencies were administered by an umbrella agency, the Office of Justice Assistance, Research and Statistics (OJARS). Because of the small appropriation associated with this Act and the Committee's intent to streamline the administrative mechanism of the federal criminal justice grant programs, the OJARS superstructure has been eliminated. The Committee, however, accedes to the pending request of the Department of Justice, that the position of Assistant Attorney General be established. The Assistant Attorney General position will provide general staff and administrative support and help to highlight the activities of NIJ, BJS, OJA and OJJDP in university communities.

The Committee's clear intent is that NIJ, BJS, OJA and OJJDP maintain significant autonomy. Each agency shall have final grant, cooperative agreement and contract approval. Each agency shall be headed by a presidentially appointed Director or Administrator. Each agency shall have final authority for selecting personnel, developing plans and funding priorities and implementing programs as specified in this Act.

The Committee agrees with the Department's suggestion that there must be communication among the criminal justice assistance programs, as described in this Act, the Department, and the community at large. In additon, the Committee considers as a main function of the Assistant Attorney General's provision of general staff support. This includes congressional liaison, public information, accounting, audit, equal employment opportunity, civil rights compliance, administrative services, general counsel, comptroller functions and personnel management. These services shall be provided by the Assistant Attorney General through the existing support services of the Department of Justice. It is the intent of this Committee to streamline support services rather than recreate the OJARS structure under an aegis of the Assistant Attorney General. The performance of these administrative duties is not intended to encroach upon the policy-setting, grantmaking and management authority of the presidentially appointed heads of NIJ, BJS, OJA and OJJDP.

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This section requires the heads of NIJ, BJS and OJA to submit a report to the President and Congress on their activities under this title during the preceding fiscal year. The intent of the Committee is that the three offices will be responsible for carrying out the mandate as described in the Act, and that a realistic assessment on program and funding activity, future plans and priorities should be provided. The OJJDP's reporting requirements are described in the Juvenile Justice and Delinquency Prevention Act.

This section establishes the position of an Assistant Attorney General for Justice Assistance whose responsibility is to provide staff and services support for OJA, BJS, NIJ, and OJJDP. The Assistant Attorney General has no grantmaking, policysetting, or management authority with respect to the activities of these agencies. The Assistant Attorney General is intended to serve as a liaison with other agencies in the Department and with university communities.

This section authorizes OJA, BJS, NIJ, and OJJDP to establish rules and regulations as are necessary in performing their respective functions.

This section provides for compliance hearings prior to termination or reduction of a grant, establishes that the findings and conclusions of OJA, BJS, NIJ, and OJJDP upon completion of the hearing process are final, subject only to appellate court review, and establishes the appellate court review process by which an applicant dissatisfied with the final conclusions of OJA, BJS, NIJ, or OJJDP may seek judicial review.

This section provides for the delegation of authority within OJA, NIJ, BJS, and OJJDP to subordinate officers and employees.

This section empowers OJA, BJS, NIJ, and OJJDP to hold hearings and issue subpoenas as are necessary to fulfilling their functions and provides OJA, BJS, NIJ, and OJJDP with the authority to appoint hearing officers as are necessary to carry out their duties.

This section provides NIJ, OJA, BJS, and OJJDP with the authority to use services of other government agencies, provides for consultation with other federal, state, and local agencies, permits reimbursable arrangements and grants in accordance with the standards established in the Federal Grant and Cooperative Agreement Act, and provides OJA, BJS, NIJ, and OJJDP with authority to procure services of experts and consultants to aid them in performing their duties.

This section provides for a prohibition of federal control over state and local criminal justice activities.

This section requires each of the Directors of OJA, BJS, and NIJ to submit an annual report to the President and the Congress.

This section establishes certain recordkeeping requirements to be adhered to by all grant recipients as to such things as how the federal funds are used.

This section establishes certain policies to be adhered to by government employees and grantees alike in order to insure that the information collected by OJA, BJS, NIJ, and OJJDP not be released or used in violation of basic confidentiality rights of individuals.

This section provides OJA, BJS, NIJ, and OJJDP with the authority to accept volunteer services.

This section requires that all juvenile delinquency programs admin-

istered by OJA conform to the standards established in the Juvenile Justice and Delinquency Prevention Act. It further encourages the federal justice assistance bureaucracies to work together in developing and implementing programs in the juvenile justice field under the leadership of OJJDP.

This section prohibits the use of any funds granted under this title for the acquisition of land and prohibits the use of CIA services, personnel or facilities in carrying out the functions of this act.

This section provides for a liability waiver for states which do not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, provides a matching fund source for the District of Columbia.

This section sets limitations on the applicability of this title to civil justice matters.

This section provides a reimbursement policy by which OJA may recover from grantees funds for unused equipment, which was purchased was in connection with a program funded, in whole or in part, under this title.

This section permits the Director of OJA to bring civil action against a grantee who uses funds provided under this title for purposes other than were originally intended.

Section 11—Definitions

This section provides definitions of terms used in the Act.

Section 12—Funding

This section establishes budget authority for OJA, NIJ and BJS. It amends the JSIA by making technical and conforming charges:

The annual $25,000,000 authorizations for NIJ and BJS are continued and reauthorized through fiscal year 1986.

There is authorized to be appropriated for part D $20,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

There is authorized to be appropriated for part E $20,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

There is authorized to be appropriated for part F and the educational and training functions of parts D and E $10,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

There is authorized to be appropriated for purposes of administering parts D, E, F, G, and H $5,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

There is authorized to be appropriated for part M for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

It is the intent of Congress that no funds appropriated under parts D, E, F, G, H and M of this Act may be transferred or reprogrammed for carrying out any activity that is not authorized under such parts.

Section 13—Criminal Penalties

This section provides criminal penalties for persons who misuse federal funds provided under this title. The misuses at which this section is directed include embezzlement, fraud and theft.

This section provides that applicants who falsify or conceal information to be provided on application materials in this title are subject to criminal prosecution under title 18, United States Code, and that any program underwritten in part or in whole pursuant to the provisions of this title is protected by the conspiracy provisions of section 371 of title 18, United States Code.

Section 14—Public Officers' Death Benefits

This section continues provisions for public safety officers' death benefits, coordinating them with payments for similar benefits under other federal legislation, and defining situations in which no such death benefits shall be paid.

This section provides definitions of terms used in part K and grants OJA authority to establish any rules and regulations it deems necessary to carry out the provisions of part K.

Section 15—Transition

This section provides for a transition period between the current law and this legislation. Authority is provided to enable activities that have previously been approved to continue under the terms and conditions of existing grants and awards or legislation.

This section provides an explanation of who holds title to goods purchased with funds provided by federal criminal justice assistance, as requested by the Department of Justice and should greatly simplify the closing out of LEAA accounts.

Section 16—Emergency Federal Law Enforcement Assistance

This section outlines the conditions which may lead to application for emergency grants under part M of this Act and provides definitions of terms used in part M.

Section 1305. This section empowers the Director of OJA to issue rules and regulations as are necessary to carry out the provisions of part M and requires that an annual report be made to the President and Congress regarding any emergency grants allocated.

In situations where state and local law enforcement officials cannot cope with a serious crime problem, the Federal Government must respond. It is the intention of this Committee that financial awards be made to units of state and local governments much the same as the federal response to national disasters such as hurricanes, floods, etc. In the past few years, communities across the nation have experienced crime problems on such an epidemic proportion that local resources have all but been exhausted. Atlanta and South Miami are examples of the use of additional federal resources that were required. Because there was no mechanism to deliver funds to these communities nor was there a centralized office coordinating their efforts, the responses in most cases were fragmented and tardy.

Part M of this bill is designed to meet the needs of communities experiencing a crime emergency as suggested by Recommendation 52 of the Attorney General's Task Force on Violent Crime. Under this section a community, through the state's governor, may apply to the Office of Justice Assistance for funds appropriated under this part. Emergency assistance must be done on a comprehensive and coordinated basis. The Committee recognizes the need for allocation of emergency resources to communities facing extraordinary emergency circumstances. However, these services must be provided to all affected components of the criminal justice system.

An example of uncoordinated approaches occurred in the New Mexico prison riots. While funds were immediately allocated by the state legislature to the prison system and to the prosecution for clean up, transfer of prisoners, and the initiation of prosecutions for criminal acts occurring during the disturbances, the provision of funds for defense counsel for the inmates did not occur until much later. The Committee believes that if the problem of coordination responsibility were left to the Director of OJA, under this part, such problems would not occur.

The Committee has provided the Director of the Office of Justice Assistance optimum flexibility in establishing criteria for selection of programs and projects for funding, in the determination of the level of federal participation in project costs and in the formulation of funding policy. Nothing in this part should be construed to authorize the Director or the federal law enforcement community to exercise any direction, supervision or control over any police force or other criminal justice agency of an applicant for federal financial assistance.

Section 17—Table of Contents

This section furnishes technical and conforming amendments to the table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968.

IV. AGENCY VIEWS

By letter dated June 21, 1982, the Assistant Attorney Genral of the Office of Legislative Affairs, United States Department of Justice, responded to the April 22, 1982, letter from the Chairman of the Subcommittee to the Attorney General requesting his comments.

April 22, 1982.

Hon. William French Smith,
Attorney General of the United States,
U.S. Department of Justice, Washington, D.C.

Dear Bill: Attached for your review and comments is a copy of the Justice Assistance Act of 1982 which I recently introduced. This bill redesigns and reauthorizes federal criminal justice assistance to aid state and local law enforcement efforts and is intended to implement the recommendations made by the Task Force on Violent Crime. Specifically, it concerns recommendation 55, which urges that the Attorney General insure that adequate federal resources are made available for research, development, demonstration and independent evaluation of methods to prevent or reduce serious crime and to insure adequate

resources for implementing programs of proven effectiveness at the state and local levels; and recommendation 52, which calls for the Attorney General to support new legislation to allow direct federal financial assistance to state and local governments that are suffering a disaster or emergency in criminal justice and for him to seek adequate funding for such assistance.

Understanding that crime prevention is primarily the responsibility of state and local government, this anticrime proposal is intended to maximize the effectiveness of limited federal assistance to state and local jurisdictions. Using a modest annual authorization of $125 million, the Justice Assistance Act will enable state and local governments to make criminal justice improvements by implementing effective program approaches in criminal justice operations and allow the Federal Government to fulfill its leadership role in the development and testing of innovative anticrime programs.

I am hopeful that the Committee on the Judiciary and the Senate will act favorably and most expeditiously on this legislation. With this in mind, I bring it to your attention for prompt consideration.

Sincerely,

ARLEN SPECTER.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., June 21, 1982.

HON. ARLEN SPECTER,
Chairman, Subcommittee on Juvenile Justice,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for comments from the Department of Justice regarding S. 2411, the proposed Justice Assistance Act of 1982. S. 2411 amends Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide Federal financial assistance to State and local law enforcement efforts. The Administration opposes enactment of S. 2411.

The Justice System Improvement Act of 1979 reauthorized and restructured what was formerly the LEAA program. In addition to authorizing LEAA to award funds to assist state and local law enforcement and criminal justice, the Act established an independent National Institute of Justice (NIJ) to conduct research and a Bureau of Justice Statistics (BJS) to gather and disseminate data. The activities of LEAA, NIJ, and BJS, as well as those of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), are coordinated by the Office of Justice Assistance, Research, and Statistics (OJARS). The Act was never fully implemented because of actions taken under the former Administration which called into question the entire Federal role in supporting state and local criminal justice activities. A Fiscal Year 1981 budget was approved by Congress which resulted in the phase-out of LEAA grants, and which restricted funds for NIJ and BJS. The Continuing Resolution under which the Department is operating for Fiscal Year 1982 provides no funds for the LEAA program, reflecting the continued intention to phase out this funding program.

S. 2411 is an effort to re-establish certain aspects of the former LEAA program on the grounds that a continued Federal role in providing financial assistance to state and local criminal justice is warranted. The bill, however, suffers from a number of significant defects which would severely limit its effectiveness. For example, it does not actually address the cumbersome administrative apparatus of the Justice System Improvement Act (JSIA). Instead, it replaces LEAA with a new Office of Justice Assistance and seeks to establish a new Assistant Attorney Geenral in place of OJARS, while continuing as separate entities NIJ, BJS, and OJJDP. Moreover, it would give the heads of NIJ and BJS independent personnel authority while, at the same time, requiring the newly established post of Assistant Attorney General for Justice Assistance to "provide staff and service support (sic) from the Department of Justice" for OJA, NIJ, BJS, and OJJDP. The resulting fragmented authorities are confusing and redundant. S. 2411 would also create a new Justice Advisory Board, in addition to three other advisory boards created by existing statutes (resulting in a total of 60 Presdential appointments), and would authorize appropriations of $1.5 million per year for advisory board operations. Further, the bill would require the various units to publish five annual reports to the President and Congress. The level of expenditure of both human and fiscal resources required for advisory activities is excessive.

As you know, the Administration has submitted to Congress a legislative proposal to reauthorize and extend significant portions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The proposed bill, entitled the "Justice Research and Statistics Act of 1983," would continue the criminal justice research and statistics programs of the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) and establish within the Department of Justice an Office of Justice Research and Statistics. The Office, headed by an Assistant Attorney General, would coordinate the activities of the NIJ and BJS, provide consolidated support services to minimize duplication and fragmentation, and provide a central focus within the Department for the interests of state and local criminal justice.

The proposed legislation would fold into a single administratively logical organization various semi-autonomous authorities which exist under current law. Instead of separate units engaged in research, statistical programs, financial assistance, and support services—with each unit headed by a Presidentially appointed Director—the proposal eliminates LEAA and OJARS and establishes the research and statistical functions of the National Institute of Justice and the Bureau of Justice Statistics within the administrative framework of the Office of Justice Research and Statistics, requiring only one Presidential appointee.

The goals of this proposed legislation are to encourage research, provide for the gathering and dissemination of statistics, evaluation of programs and coordination of criminal justice activities at all levels of government, in order to strengthen the capacity of State and local governments to improve their criminal justice systems. These goals can only be achieved in a workable, efficient administrative framework, which this proposal provides.

Because S. 2411 provides no such workable administrative framework, and is otherwise seriously flawed and inconsistent with the proposal submitted by the Administrative, the Department opposes its enactment.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General,
Office of Legislative Affairs.

The Subcommittees on Juvenile Justice and Criminal Law sought to correct the Department's misapprehension of the Act's streamlined structural organization by adopting the Subcommittee's amendments and in this report.

Previously, in the course of an Oversight Hearing Before the Subcommittee on Juvenile Justice held October 18, 1981, the Department of Justice responded to written questions inquiring into the prospects for the Executive requesting renewed federal assistance to state and local law enforcement:

QUESTIONS

1. Does the Department of Justice adopt recommendation 53 of the Attorney General's Task Force on Violent Crime, which recommends that the Attorney General insure adequate resources are made available to implement law enforcement programs of proven effectiveness at the state and local level? If so, how does the Department of Justice define "adequate resources" for fiscal years 1982, 1983, and 1984?

2. The Attorney General said in his October 22, 1981, speech to the National Press Club that among the four basic goals of the Administration's crime fighting package is "direct federal assistance to state and local efforts." What specific proposals did he have in mind?

RESPONSE

Question 1

The Department's budget request for fiscal year 1982 reflects a continuing interest in actvities supporting research, development, demonstration, and evaluation of methods to prevent and reduce crime. Fiscal realities demand, however, that the Department concentrate the majority of available resources toward the achievement of its primary mission, the enforcement of Federal laws. Nevertheless, the Attorney General has assigned a high priority to Department efforts to assist state and local criminal justice in fulfilling their primary responsibility to address the problem of crime.

In addition to the $70 million proposed by the House and the Senate Appropriations Committee for OJJDP, the Department has requested approximately $35 million for research, statistics and demonstration programs in fiscal year

1982. No final decisions have been made regarding proposed funding levels for subsequent years.

Question 2

In his October 22 speech and in subsequent testimony before Senate and House subcommittees, Attorney General Smith discussed various elements of his proposal to assist state and local efforts to fight crime. They include:

Requiring all U.S. Attorneys to establish Law Enforcement Coordinating Committees which will, among other things, identify the community's most important crime problem upon which Federal resources can have an impact. Subsequently, Federal resources will be allocated in such a way as to achieve the maximum impact on the most serious crime problems facing the community.

Expansion of the Federal concurrent jurisdiction over violent crime or conduct directly related to violent crime, in order to relieve, where appropriate, a portion of the burden otherwise borne by state and local enforcement officials.

Establishment of the Clearinghouse in the U.S. Bureau of Prisons to facilitate the transfer to states and localities of surplus Federal facilities that could be used as short-term means of easing the crowded condition of state and local corrections facilities.

Establishment of a National Corrections Academy to improve the training available to state and local corrections officers.

Giving emphasis through the Bureau of Prisons to housing in Federal facilities those state prisoners who represent the greatest burdens upon state facilities.

In addition to the above, there are numerous ongoing activities within the various units of the Department which constitute direct assistance to state and local criminal justice efforts.

We continue to believe, however, that funding for improvements in state and local criminal justice systems is principally the responsibility of state and local government.

Hearing before the Subcommittee on Juvenile Justice, Committee on the Judiciary, U.S. Senate, 97th Congress, 1st Session, Serial No. J-97-74 at 17-18 (Oct. 28. 1981). These answers demonstrate the prevailing influence of the Office of Management and Budget (OMB) on the Department's position.

They mirror the argument contained in OMB's February, 1982, budget proposal for fiscal year 1982:

> Public safety is primarily a State and local responsibility. This administration does not believe that providing criminal just assistance in the form of grants or contracts is an appropriate or effective use of Federal funds.

House Doc. No. 97-124. 97th Cong.. 2d Sess. at 5-177 (Feb. 1982).

Similarly, it reflects OMB's contention in the Appendix to its proposed budget that federal justice assistance should be "terminated because improvements in criminal and juvenile justice are primarily

State and local responsibilities." House Doc. No. 97–125 92d Cong., 2d Sess. at I–N23.

Except for the Act's provisions to implement programs of proven effectiveness and establish federal emergency assistance for criminal justice disasters, however, its remaining programs are fully consistent with the objectives of the Department of Justice and even bear the imprintation of OMB, which recommends continuing the Federal Government's roles in the collection and dissemination of criminal justice statistics and research and in providing specialized training and technical assistance to state and local governments. *See* House Doc. No. 97–124, 97th Cong., 2d Sess. at 5–177 (Feb. 1982). Although as submitted to the Congress, the proposed budget for NIJ allowed only $9.6 million in fiscal year 1983 to be spent in applied research directed at strengthening our criminal justice system, only $2.1 million to be devoted to basic criminal justice research, only $1.6 million to fund independent evaluations of field tests of NIJ sponsored projects and of state and local justice systems and contained no provision for funding any demonstration projects.

On August 17, 1982, the Attorney General's Task Force on Violent Crime made up of distinguished members with experience working in our justice systems, had recommended in its Final Report that the Federal Government fund research, demonstration, and evaluation, of innovative programs designed to prevent and reduce serious crime and implementation of programs of proven effectiveness at the state and local level:

Recommendation 53

The Attorney General should ensure that:

a. Adequate resources are available for the research, development, demonstration, and independent evaluation of methods to prevent and reduce serious crime; for disseminating these findings to federal, state, and local justice agencies; and for implementing these programs of proven effectiveness at the state and local level.

b. Grant awards for implementing such demonstrated programs require a reasonable match of state or local funds and be limited to a reasonable time period.

Commentary

One major mandate in Phase II of our work was to recommend to the Attorney General changes in funding levels through which the federal government could assist in the coordinated federal, state, and local fight against violent crime. This inevitably raised the question of how the federal government can contribute most constructively to helping state and local governments improve the operation of their criminal justice agencies. In this regard, we have considered both the federal government's role as developer of innovative ways to combat criminal justice problems and its role as provider of the resources necessary to undertake such new approaches.

Many programs that have made a constructive contribution to state and local criminal justice activities had their roots in basic research conducted or sponsored by the federal government. The Career Criminal Program and the Prosecutors

Management Information System (PROMIS) are but two examples of these. The research that spawned these programs is essentially beyond the resources of state and local government. Even if a locality could find such resources, it is inequitable for one city or state to spend the seed money to develop, test, and evaluate new and innovative programs that could be replicated at reasonable cost across the country. Further, research can result in blind alleys; not all research should be expected to result invariably in new and innovative programs of demonstrated success. It is precisely this aspect of the research and development process that makes it too costly to be undertaken to any great extent by single states or local jurisdictions.

We are in unanimous agreement that the federal government has a unique responsibility to conduct research on criminal justice issues, to develop creative programs based on research findings, to test and evaluate these programs rigorously, and to demonstrate them in several jurisdictions with varying characteristics to be sure that the programs would be successful if implemented in other jurisdictions. At present, research directly applicable to the problems of state and local criminal justice systems is performed by the National Institute of Justice (NIJ), the National Institute of Corrections (NIC), and the National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP). NIJ and NIC do not have the funds needed to support the substantial testing, demonstration, and independent evaluation that we believe are necessary. The Attorney General should ensure that adequate funds are available for these agencies to bring research ideas to the stage at which they become demonstrated, independently evaluated programs that can be implemented in state and local jurisdictions.

Most of us also believe that federal funds should be made available to state and local governments to implement those programs that have been demonstrated and proven to be effective through rigorous independent evaluation. These funds should be awarded for the purpose of enabling a jurisdiction to establish demonstrated programs but should continue to support the program implementation process for only a reasonably limited period of time. Before any grants of this kind are made, we suggest that the receiving jurisdiction demonstrate its commitment to continuing the program after the federal funding period has ended. The jurisdiction also should provide a reasonable amount of funds to match those granted by the federal government.

Those who support financial assistance for implementation believe it is a necessary and appropriate federal role. Some view assistance in this area to be equal to or more important than federal funding in other human services areas which continues today. Others believe that American citizens who see billions of dollars sent to fighting enemies in other lands have every right to see substantial federal sums used for fighting crime—an internal enemy. Still others believe that prior fed-

eral programs had developed many successful projects that could be used to reduce crime at the local level and were concerned that without federal assistance many of these innovative efforts would not be implemented and would be lost.

Those who oppose direct funding for the implementation of effective programs questioned whether the federal government should pay for programs when state legislatures could appropriate such sums if they gave the effort a high priority; they also feared that the recommendation could lead to the creation of another LEAA.

It was in response to these concerns that we chose to build into our financial assistance recommendation clear requirements on the kind of commitment states and localities must make to receive federal dollars and on the purposes for which these funds can be used.

First, we believe that states and localities should be drawn into partnership with the federal government to support these selected programs and initiatives. We have attempted to ensure that this commitment will be made by proposing that a reasonable match of state or local funds be required. We also recommend limiting the federal funding period to a reasonable amount of time. We do not want to see developed a heavy reliance on the national government for financial support—a reliance which some members felt was created by programs like LEAA. Finally, we believe financial assistance should be given to those jurisdictions that can demonstrate that they will make every effort to assume financial responsibility for the federally supported program when the funding period has expired.

Second, we have serious reservations about any attempt to re-create an LEAA program. That program was heavily laden with bureaucratic rules, regulations, and organizations. It was too expensive, it was too difficult to control, and it scattered funds thinly over a wide variety of initiatives.

Third, we believe that programs of "proven effectiveness" must be determined by careful independent evaluation. We heard much anecdotal evidence on what programs have been effective. We have heard LEAA grant recipients tell us how much more effective their organizations have become because of these programs, but they frequently presented no empirical evidence to support these claims. How the effectiveness of specific innovative programs is determined is the critical element in determining whether implementation funding should be made available. If there is no independent, credible way to evaluate successful programs then there is no way to ensure that the taxpayers' funds are well spent. Any funding program that ignores this element should be rejected.

What we do suggest here, however, is that there are some programs that LEAA supported and developed which have had a direct effect on serious crime. Where these programs have been identified by independent evaluation, they should be instituted in those jurisdictions where the need is greatest and federal funds should be made available to establish them.

We also believe that where future research and development activities create programs responding to serious crime, federal implementation funds should be available. It is for purposes of implementation alone that we make this recommendation for direct financial assistance. We are strongly opposed to using federal funds to maintain state and local law enforcement operations. We have no desire to see federal funds used for ordinary operating expenses such as manpower and equipment. These functions fall strictly within the domain of state and local governments and should be financially assisted by the national government only in those kinds of situations which we discuss elsewhere in this report. These jurisdictions know best where needs exist and should shoulder operational burdens themselves. We are convinced, however, that limited federal support should be delivered for implementation of innovative programs that have been tested and proven effective by the National Institute of Justice or other groups.

With limited funding, directed toward supporting only those programs of demonstrated value, we believe the federal government can work with states and localities in an appropriate form to reduce and prevent serious crime in an effective and efficient manner.

Attorney General's Task Force on Violent Crime, Final Report at 73–74 (Aug. 17, 1981).

With regard to the need for emergency assistance, the Task Force reported:

Recommendation 52

The Attorney General should support or propose legislation to allow direct financial assistance to supplement the resources and efforts of state and local governments that have demonstrated that they are suffering a criminal justice disaster or emergency of such unusual nature and proportion that their own resources fall short of addressing the need, and he should request adequate funds to support such assistance.

Commentary

Some criminal justice disasters and emergencies, man-made and natural, are of such magnitude and severity that they overwhelm available state and local resources. Examples of such situations are the child murders in Atlanta, Georgia, and Oakland County, Michigan; political conventions that strain local law enforcement security and crowd control resources; and natural disasters such as floods, earthquakes, and volcanic eruptions that create potential for or result in looting and lawlessness while disabling state and local criminal justice operations.

Emergency or disaster situations which exceed the ability of states and localities to combat crime successfully can also develop as a result of such influences as the establishment of certain federal policies or merely the geographic proximity of a jurisdiction to the source of a serious crime problem.

During our meetings in Miami, we learned of the many pressures created for that city and the entire state of Florida by federal immigration policies which enabled tens of thousands of Cubans and Haitian citizens to enter the United States in a short period of time during 1980. Testimony presented to us indicated that federal policy failed to distinguish between criminal aliens and those who legitimately sought political asylum in the United States. Significantly, violent crime in metropolitan Miami rose 18.5 percent in 1980, rapes increased 36 percent, and murders rose 89 percent. Cuban entrants from Mariel comprise 13 percent of the Dade County jail population; the majority of these individuals have been charged with serious felonies.

We also heard that, due to Florida's location and geography, the state has become a nexus for international drug trade operations. Florida officials linked sharp statewide increases in homicide rates along with those of rape, robbery, aggravated assault, and burglary to heavy drug trafficking activity. Governor Graham explained that due to ". . . a 1,000-mile peaceful coastline and extensive area of isolated interior, Florida has gained the reputation as a Mecca for drug traffickers."

The federal government is not specifically authorized to assist state and local governments experiencing such emergencies. During the past 12 years, the Law Enforcement Assistance Administration (LEAA) and its sister agencies have provided a wide variety of emergency or disaster assistance—such as technical assistance, discretionary grant awards, or the reprogramming of previously awarded state funds—to state and local governments through general statutory authorization. Assistance was provided in response to specific, identified needs in emergency situations where the provision of assistance could meet the requirements of the LEAA statute.

Major LEAA emergency or disaster assistance was provided to Miami, Detroit, Kansas City, and New York to plan for and support security activities at major national political conventions. Other assistance was provided to help law enforcement agencies contend with the aftermath of natural disasters such as the Mount Saint Helens volcano eruption; the New York blackout; floods in Colorado and Idaho; and Hurricanes Agnes and Frederick. LEAA assistance also was delivered following prison riots in Florida, New Mexico, and Illinois. In addition, LEAA funds along with the funds from the Office of Juvenile Justice and Delinquency Prevention were sent to Atlanta to help automate criminal investigate information as well as to develop and implement juvenile programs aimed at helping Atlanta youths deal with the trauma created by child murders in the city.

With the demise of LEAA, the federal government no longer has available to it a source of funding that can be used to assist state and local governments in meeting criminal justice emergencies such as those mentioned above. We believe

that, when conditions warrant, the federal government must provide such assistance to state and local law enforcement to ensure that criminal justice services are maintained and law and order are preserved. To this end, we recommend that the Attorney General seek legislation that would specifically authorize the Department of Justice to provide such assistance and that adequate funds be made available for such purposes.

Circumstances in emergencies differ in degree and kind. It is not our intention to engage the federal government in providing assistance to every city that is experiencing a high crime rate, continuing difficult problems, or losses from a hurricane or tornado. We do feel, however, that crisis situations can develop that are so extreme and unique in nature that they threaten a breakdown of local criminal justice facilities and resources and are beyond the local ability to respond adequately.

We recommend that assistance be provided to help communities deal with serious criminal justice problems that surface in the aftermath of such crises as prison riots, severe natural disasters, and unique crime problems (like the child murders in Atlanta), to prepare for potential crises such as those that can occur at national political conventions or other anticipated emergencies, and to assist those states and localities which, as a consequence of geography or federal policy, carry the burden of a national problem that is beyond their ability to combat alone. It is in these kinds of situations that federal aid may be needed and is, we believe, justifiable. There are a number of ways in which this form of assistance can be delivered. We do not presume the role of determining the best method to follow but leave this decision to the Attorney General and his staff.

Id. at 71–72 (footnote omitted).

Others within the Administration have spoken in support of the Federal Government fulfilling its role in justice assistance and research along the lines of the Justice Assistance Act of 1982.

In his remarks to the PROMIS Users Group Meeting on April 22, 1981, Edwin A. Meese, III, Counselor to the President, noted:

As you know, in the last administration, LEAA was zeroed out as far as funding is concerned. We have not made specific decisions yet as to how this administration will respond to the federal funding of criminal justice at the state and local level. I must say the climate for any additional funding for any program right now is not particularly good. . . . But I think there is a desire on the part of this administration to accept its responsibilities and that's why we will be looking very carefully at this particular subject. I think we have a lot to learn from the experience of LEAA. . . . LEAA did a lot of good, and we must not forget that as we look ahead to planning what ought to happen in the future. One of the things it did very well was to provide money for programs such as this, for the career criminal program, for the increased arrest of ma-

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jor offenders program; it provided a great deal of hardware, equipment, and materials for police departments and district attorneys' offices. It provided for computerization which was very badly needed; it provided for information systems, such as are represented in your deliberations today; it provided for the individual radios the police officers use, which is probably the greatest advance in police work since the original invention of two-way radio. These are the good things that happened.

On November 12, 1981, Counselor Meese addressed a meeting of the American Society of Criminology and emphasized the role of the Federal Government in criminal justice research, training and information:

A second major area that the Federal Government has a major role in is in research, training, and the dissemination of information. And so although the monies available are not as great as we would like, and not as great as they have been in the past, the development of research programs, the continuation of the National Institute of Justice, the continuation of the National Institute of Corrections and particularly its embarking into a heavier volume of training programs, the traditional training that has been offered by the Federal Bureau of Investigation, at its national academy, the new F.B.I. Center for Forensic Sciences at Quantico, these are the kinds of things in which the Federal Government does have a definite place and which it will have and continue to have a role in providing these services to the criminal justice field in general. And also particularly in the matters that many of you who are in academic research and education are concerned with the National Institute and the dissemination of information, becomes a very vital role that the Federal Government can play.

* * * * * * *

But let me talk also about Federal research and funding for criminal justice. We are very much interested in the concept of Federalism, as I mentioned, and of carrying out the Federal role. For this reason, such functions as the National Criminal Justice Reference Service, which has been a tremendous resource for providing information throughout the field, for stimulating the development of new literature in the criminal justice field. This activity is one which we feel is very important. The National Institute of Justice, the National Institute of Corrections, as I mentioned are going forward in developing more and more programs that we hope will be of use to those who are practitioners, to those who are researchers, and those who have a role in the administration of criminal justice.

But in doing this we want to be sure that we are developing the best types of assistance, of research assistance that the Federal Government is fitted to provide and secondly, that we are utilizing the best means of making it available to states and localities. In this way we are trying not to duplicate or displace activities which should be carried on at the state and local level, rather to supplement and to reinforce those activities. What we are trying to do is to use leverage in the sense that what is going on and is being used effectively, whether it is the result of academic research, or research and development in particular jurisdictions, we try to get this and have this information collected and

disseminated in the most cost effective manner. The National Institute of Justice will continue to support within its budget both basic and applied research and particularly to be a stimulus for creative and innovative programs throughout the country, hopefully utilizing much of the talent that is found within this group tonight.

And finally, the training programs that I mentioned we hope will be continued and expanded. The ability of the Federal training programs in law enforcement and in corrections has a value out of proportion to just another training program. But it is the fact that you bring people together from throughout the country which not only provides training people often wouldn't get in their own locality, but also provides a cross fertilization of ideas within the training center which is very valuable not only to the people attending that particular course, but to the instructors so that it can be passed on to other classes.

V. COST ESTIMATE

In accordance with paragraph 11(a), Rule XXXVI of the Standing Rules of the Senate, the Committee offers the Report of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 20, 1982.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Dirksen Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 2411, the Justice Assistance Act of 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACH
(Alice M. Rivlin, For Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2411.
2. Bill title: The Justice Assistance Act of 1982.
3. Bill status: As ordered reported by the Senate Committee on the Judiciary, September 14, 1982.
4. Bill purpose: S. 2411 amends the Omnibus Crime Control and Safe Streets Act of 1968, redesigning and reauthorizing federal criminal justice assistance to aid state and local law enforcement. The bill abolishes the Law Enforcement Assistance Administration (LEAA) and establishes the Office of Justice Assistance (OJA). It amends sections 4 and 5 of the Act, restructuring the National Institute of Justice Advisory Board and the Bureau of Justice Statistics Advisory Board. Sections 6 and 8 of the Act are amended to reorganize the grant programs to states, nonprofit organizations, and neighborhood groups. The bill also creates an emergency federal law enforcement assistance program in the event of a major crime problem in a state or locality.

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The bill authorizes the appropriation of a total of $125 million for each of the fiscal years 1983 through 1986: $25 million per year to carry out the functions of the National Institute of Justice; $25 million annually ot carry out the functions of the Bureau of Justice Statistics; $20 million per year for the national priority implementation and replication grant program; $20 million per year for the discretionary grant program; $10 million annually for educational and training programs; $5 million annually for administrative purposes; and $20 million per year for emergency assistance.

5. Cost estimate:

[By fiscal years, in millions of dollars]

	1983	1984	1985	1986	1987
New authorization	125	125	125	125	.....
Less: Existing authorization	825	.....	.....	.....	.....
Net additional authorization	−700	125	125	125	.....
Net additional outlays	−206	−290	−25	125	67

The costs of this bill fall within budget function 750.

6. Basis of estimate: For the purposes of this estimate, CBO assumes enactment early in fiscal year 1983, and appropriation of the full amounts authorized.

CBO has applied historical spendout rates to the program authorization levels based on the experience of the Law Enforcement Assistance Administration. For the emergency assistance grant program to state and local governments, CBO assumed that the full amount authorized would be obligated in each fiscal year.

There are existing authorizations for fiscal year 1983 of $25 million for the Bureau of Justice Statistics, $25 million for the National Institute of Justice, $750 million for the Law Enforcement Assistance Administration, and $25 million for the Office of Community Anti-Crime Programs. CBO subtracted these existing authorizations from the new authorization in S. 2411 to arrive at the net additional authorization and outlays attributable to this bill. S. 2411 also deletes the provision which allocates 19.15 percent of law enforcement funds to juvenile delinquency programs, in addition to the funds appropriated under section 5671(a) of Title 42. The bill does not amend the "such sums as may be necessary" authorization for public safety officers' death benefits.

7. Estimate comparison: None.

8. Previous CBO estimate: On October 23, 1981, CBO prepared a cost estimate for H.R. 4481, the Justice Assistance Act of 1981, as ordered reported by the House Committee on the Judiciary, Septem-

ber 22, 1981. The bill provided a law enforcement program authorization of $170 million for each of fiscal years 1982 and 1983, and a permanent authorization of $20 million annually for federal emergency assistance to state and local governments beginnig in fiscal year 1983. Net additional outlays attributable to this bill were −$80 million in fiscal year 1982, −$327 million in fiscal year 1983, −$504 million in fiscal year 1984, −$236 million in fiscal year 1985, and −$21 million in fiscal year 1986.

9. Estimate prepared by: Amy L. Dines.

10. Estimate approved by:

ROBERT A. SUNSHINE
(For James L. Blum,
Assistant Director for Budget Analysis).

The Committee notes that only $75 million of the $125 million provided in the Act is new budget authority for fiscal year 1983, the remainded being authorized by the Justice System Improvement Act of 1979. Of the $50 million authorization for NIJ and BJS carried forward by this Act, the Department of Justice has requested $37,142,000. The House Committee on Appropriations has reported a bill, H.R. 6957, allocation $37,135,000 for justice research and statistics.

Of the $75 million in new budget authority provided for fiscal year 1983, $20 million is authorized to respond to criminal justice disasters and may not be spent if circumstances do not warrant such extraordinary assistance. Of the remaining $55 million to be dedicated to justice assistance, a large percentage can be expected to be devoted to multi-year grants and, therefore, not result in outlays or expenditures in fiscal year 1982. Thus, there is likely to only minimal actual expenditure of the limited federal resources dedicated to renewed federal criminal justice assistance.

VI. REGULATORY IMPACT STATEMENT

Pursuant to paragraph 11(b), Rule XXVI of the Standing Rules of the Senate, it is hereby stated that the Committee has concluded that this bill will have no direct regulatory impact. The Office of Justice Assistance is merely a funding agency and has been specifically designed to prevent any significant regulation of the beneficiaries is expected to issue funding guidelines and selection criteria to help it select the best possible recipients of federal funding. In addition, the Office may prescribe the keeping of records and the provision of audits, with respect to funds provided by grants, contracts or interagency agreements. Other fiscal and narrative reports may be required as it deems necessary from any grantees, contractors, persons or entities receiving assistance under this Act.

This Act will not have any effect on the personal privacy of indivduals.

VII. CHANGES IN EXISTING LAW

In compliance with paragraph 4, Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 2411,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 96-157 (96TH CONGRESS)

AN ACT

To restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice system and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Justice System Improvement Act of 1979".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"TITLE I—JUSTICE SYSTEM IMPROVEMENT

"TABLE OF CONTENTS

"Declaration and purpose.

"PART A—[LAW ENFORCEMENT ASSISTANCE ADMINISTRATION] *OFFICE OF JUSTICE ASSISTANCE*

"Sec. 101. Establishment of Law Enforcement Assistance Administration.
"Sec. 102. Duties and functions of Administrator.
["Sec. 103. Office of Community Anti-Crime Programs.]
"Sec. 103. Establishment of a Justice Assistance Board.

"PART B—NATIONAL INSTITUTE OF JUSTICE

"Sec. 201. National Institute of Justice.
"Sec. 202. Establishment, duties, and functions.
"Sec. 203. Authority for 100 per centum grants.
"Sec. 204. National Institute of Justice Advisory Board.

"PART C—BUREAU OF JUSTICE STATISTICS

"Sec. 301. Bureau of Justice Statistics.
"Sec. 302. Establishment, duties, and functions.
"Sec. 303. Authority for 100 per centum grants.
"Sec. 304. Bureau of Justice Statistics Advisory Board.
"Sec. 305. Use of data.

["PART D—FORMULA GRANTS

["Sec. 401. Description of program.
["Sec. 402. Eligibility.
["Sec. 403. Applications.
["Sec. 404. Review of applications.
["Sec. 405. Allocation and distribution of funds.]

"PART D—NATIONAL PRIORITY IMPLEMENTATION AND REPLICATION PROGRAMS

"Sec. 401. Purpose.
"Sec. 402. Federal share.
"Sec. 403. Uses.
"Sec. 404. Applications

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["PART E—NATIONAL PRIORITY GRANTS

["Sec. 501. Purpose.
["Sec. 502. Percentage of appropriation for national priority grant program.
["Sec. 503. Procedure for designating national priority programs.
["Sec. 504. Application requirements.
["Sec. 505. Criteria for award.]

"PART E—DISCRETIONARY GRANTS

"Sec. 501. Purpose.
"Sec. 502. Percentage of appropriation for discretionary grant program.
"Sec. 503. Procedure for establishing funding and selection criteria.
"Sec. 504. Application requirements.
"Sec. 505. Criteria for award.
"Sec. 506. Period for award.

["PART F—DISCRETIONARY GRANTS

["Sec. 601. Purpose.
["Sec. 602. Percentage of appropriation for discretionary grant program.
["Sec. 603. Procedure for establishing discretionary programs.
["Sec. 604. Application requirements.
["Sec. 605. Criteria for award.
["Sec. 606. Period for award.]

"PART F—TRAINING AND MANPOWER DEVELOPMENT

"Sec. 601. Purpose.
"Sec. 602. Training of prosecuting attorneys.
"Sec. 603. Training State and local criminal justice personnel.
"Sec. 604. FBI training of State and local criminal justice personnel.
"Sec. 605. Criminal justice education program.

["PART G—TRAINING AND MANPOWER DEVELOPMENT

["Sec. 701. Purpose.
["Sec. 702. Training of prosecuting attorneys.
["Sec. 703. Training State and local criminal justice personnel.
["Sec. 704. FBI training of State and local criminal justice personnel.
["Sec. 705. Criminal justice education program.]

"PART G—ADMINISTRATIVE PROVISIONS

"Sec. 701. Assistant Attorney General for Justice Assistance.
"Sec. 702. Consultation; establishment of rules and regulations.
"Sec. 703. Notice and hearing on denial or termination of grant.
"Sec. 704. Finality of determinations.
"Sec. 705. Appellate court review.
"Sec. 706. Delegation of functions.
"Sec. 707. Subpena power; authority to hold hearings.
"Sec. 708. Employment of hearing officers.
"Sec. 709. Authority to use available services.
"Sec. 710. Consultation with other Federal, State, and local officials.
"Sec. 711. Reimbursement authority.
"Sec. 712. Services of experts and consultants; advisory committees.
"Sec. 713. Prohibition of Federal control over State and local criminal justice agencies.
"Sec. 714. Report to President and Congress.
"Sec. 715. Recordkeeping requirement.
"Sec. 716. Confidentiality of information.
"Sec. 717. Authority to accept voluntary services.
"Sec. 718. Administration of juvenile delinquency programs.
"Sec. 719. Prohibition on land acquisition.
"Sec. 720. Prohibition on use of CIA services.

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"*Sec. 721. Indian liability waiver.*
"*Sec. 722. District of Columbia matching fund source.*
"*Sec. 723. Limitation on civil justice matters.*
"*Sec. 724. Reimbursement for unused equipment.*
"*Sec. 725. Repayment.*

[PART H—ADMINISTRATIVE PROVISIONS

[Sec. 801. Establishment of Office of Justice Assistance, Research, and Statistics.
[Sec. 802. Consultation; establishment of rules and regulations.
[Sec. 803. Notice and hearing on denial or termination of grant.
[Sec. 804. Finality of determinations.
[Sec. 805. Appellate court review.
[Sec. 806. Delegation of functions.
[Sec. 807. Subpena power; authority to hold hearings.
[Sec. 808. Compensation of Director of Office of Justice Assistance, Research, and Statistics.
[Sec. 809. Compensation of other Federal officers.
[Sec. 810. Employment of hearing officers.
[Sec. 811. Authority to use available services.
[Sec. 812. Consultation with other Federal, State, and local officials.
[Sec. 813. Reimbursement authority.
[Sec. 814. Services of experts and consultants; advisory committees.
[Sec. 815. Prohibition of Federal control over State and local criminal justice agencies.
[Sec. 816. Report to President and Congress.
[Sec. 817. Recordkeeping requirement.
[Sec. 818. Confidentiality of information.
[Sec. 819. Authority to accept voluntary services.
[Sec. 820. Administration of juvenile delinquency programs.
[Sec. 821. Prohibition on land acquisition.
[Sec. 822. Prohibition on use of CIA services.
[Sec 823. Indian liability waiver.
[Sec. 824. District of Columbia matching fund source.
[Sec. 825. Limitation on civil justice matters.
[Sec. 826. Reimbursement for unused equipment.
[Sec. 827. Prison industry enhancement.]

"*PART H—DEFINITIONS*

"*Sec. 801. Definitions.*

[PART I—DEFINITIONS

[Sec. 901. Definitions.]

"*PART I—FUNDING*

"*Sec. 901. Funding.*

[PART J—FUNDING

[Sec. 1001. Authorization of appropriations.
[Sec. 1002. Maintenance of effort.
[Sec. 1003. Authorization of appropriations for Office of Anti-Crime Programs.]

"*PART J—CRIMINAL PENALTIES*

"*Sec. 1001. Misuse of Federal assistance.*
"*Sec. 1002. Falsification or concealment of facts.*
"*Sec. 1003. Conspiracy to commit offense against United States.*

[PART K—CRIMINAL PENALTIES

[Sec. 1101. Misuse of Federal assistance.
[Sec. 1102. Falsification or concealment of facts.
[Sec. 1103. Conspiracy to commit offense against United States.

"*PART K—PUBLIC SAFETY OFFICERS' DEATH BENEFITS*

"*Sec. 1101. Payments.*
"*Sec. 1102. Limitations.*

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"*Sec. 1103. Definitions.*
"*Sec. 1104. Administrative provisions.*

["PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

["Sec. 1201. Payments.
["Sec. 1202. Limitations.
["Sec. 1203. Definitions.
["Sec. 1204. Administrative provisions.]

"PART L—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1201. Continuation of rules, authorities, and proceedings.
"Sec. 1202. Title to personal property.

["PART M—TRANSITION—EFFECTIVE DATE—REPEALER

["Sec. 1301. Continuation of rules, authorities, and proceedings.]

"PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

"Sec. 1301. Application.
"Sec. 1302. Definitions.
"Sec. 1303. Limitation on authority.
"Sec. 1304. Report to Congress.
"Sec. 1305. Issuance of rules.".

["DECLARATION AND PURPOSE

["The Congress finds and declares that the high incidence of crime in the United States is detrimental to the general welfare of the Nation and its citizens, and that criminal justice efforts must be better coordinated, intensified, and made more effective and equitable at all levels of government.

["Congress further finds that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency by developing and implementing effective programs to improve the quality of juvenile justice in the United States.

["Congress further finds that there is an urgent need to encourage basic and applied research, to gather and disseminate accurate and comprehensive justice statistics, and to evaluate methods of preventing and reducing crime.

["Congress further finds that although crime is essentially a local problem that must be dealt with by State and local governments, the financial and technical resources of the Federal Government should be made available to support such State and local efforts.

["Congress further finds that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable and effective justice systems which require: (1) systematic and sustained action by Federal, State, and local governments; (2) greater continuity in the scope and level of Federal assistance; and (3) continuing efforts at all levels of government to streamline programs and upgrade the functioning of agencies responsible for planning, implementing and evaluating efforts to improve justice systems.

["It is therefore the declared policy of the Congress to aid State and local governments in strengthening and improving their systems of criminal justice by providing financial and technical assistance with

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maximum certainty and minimum delay. It is the purpose of this title to (1) authorize funds for the benefit of States and units of local government to be used to strengthen their criminal justice system; (2) develop and fund new methods and programs to enhance the effectiveness of criminal justice agencies; (3) support the development of city, county, and statewide priorities and programs to meet the problems confronting the justice system; (4) reduce court congestion and trial delay; (5) support community anticrime efforts; (6) improve and modernize the correctional system; (7) encourage the undertaking of innovative projects of recognized importance and effectiveness; (8) encourage the development of basic and applied research directed toward the improvement of civil and criminal justice systems and new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals; (9) encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, civil disputes, and the operation of justice systems; and (10) support manpower development and training efforts. It is further the policy of the Congress that the Federal assistance made available under this title not be utilized to reduce the amount of State and local financial support for criminal justice activities below the level of such support prior to the availability of such assistance.]

"*DECLARATION AND PURPOSE*

"*The Congress finds and declares that the high incidence of crime in the United States is detrimental to the general welfare of the Nation and its citizens, and that criminal justice efforts must be better coordinated and intensified, and made more effective and equitable at all levels.*

"*Congress further finds that there is an urgent need to encourage basic and applied research, to gather and disseminate accurate and comprehensive justice statistics, and to evaluate methods of preventing and reducing crime.*

"*Congress further finds that although crime is essentially a local problem that must be dealt with by State and local government, the financial and technical resources of the Federal Government should be made available to assist in the development of innovative and effective National, State, and local efforts.*

"*Congress further finds that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable and effective justice systems which require systematic and sustained action by Federal, State, and local governments; and continuing efforts at all levels to streamline programs and upgrade the functioning of agencies responsible for planning, implementing, and evaluating efforts to improve justice systems.*

"*It is, therefore, the declared policy of the Congress to aid in strengthening and improving justice systems by providing assistance with maximum certainty and effectiveness and minimum delay and waste. It is the purpose of this title to authorize funds and technical assistance (1) to be used to strengthen justice systems; (2) to develop and fund new methods and programs to enhance the effectiveness of justice system; (3) to support the development of National, State, and local priorities and programs to meet the problems confronting*

justice systems; (4) to reduce court congestion and trial delay; (5) to support community and neighborhood anticrime efforts; (6) to improve and modernize correctional systems and encourage rehabilitation; (7) to encourage the undertaking of promising, innovative projects and programs to combat crime; (8) to encourage research directed toward the improvement of justice systems and new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals; (9) to encourage the collection and analysis of statistical information concerning justice systems and the development and operation of justice information systems; (10) to develop and implement programs assisting victims, jurors, and witnesses; (11) to support law enforcement-related personnel development and training efforts; and (12) to provide emergency Federal financial assistance when necessary to combat a criminal justice disaster.

"It is further the policy of the Congress that the Federal assistance made available under this title not be utilized to reduce the amount of State and local financial support for justice activities below the level of such support prior to the availability of such assistance.".

"PART A—[LAW ENFORCEMENT ASSISTANCE ADMINISTRATION]

OFFICE OF JUSTICE ASSISTANCE

["ESTABLISHMENT OF LAW ENFORCEMENT ASSISTANCE ADMINISTRATION]

ESTABILSHMENT OF OFFICE OF JUSTICE ASSISTANCE

"SEC. 101. [There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as the 'Administration'). The Administration shall be under the direction of an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and such other Deputy Administrators as may be designated by the Attorney General. The Administrator shall have final authority over all grants, cooperative agreements, and contracts awarded by the Administration.]

(a) There is established within the Department of Justice under the general authority of the Attorney General an Office of Justice Assistance.

"(b) The Office of Justice Assistance shall be under the direction of a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall nominate a Director and transmit the name of that person to the Senate within ninety days after this Act takes effect and within ninety days after any vacancy in the position of Director occurs.

"(c) The Director may appoint Deputy Directors to assist in the direction of the Office of Justice Assistance and select for employment such employees as are necessary to perform the functions of the Office of Justice Assistance. The Director shall have final authority over all grants, cooperative agreements, and contracts awarded by the Office of Justice Assistance.

"DUTIES AND FUNCTIONS OF [ADMINISTRATOR] *DIRECTOR*

"SEC. 102. The [Administrator] *Director* shall—

"(1) provide funds to eligible [States and units of local government] *applicants* pursuant to part [D;] *D and E*;

[(2) recognize national criminal justice priorities established in accordance with parts E and F, inform States and units of local government concerning such priorities and award and allocate funds and technical assistance among the eligible States, units of local government, and public and private nonprofit organizations according to the criteria and on the terms and conditions determined by the Administration to be consistent with parts E and F;]

"*(2) recognize national priorities for programs and award and allocate funds and technical assistance consistent with parts D and E;*

"(3) publish and disseminate information on the condition and progress of the criminal justice system;

"(4) establish and carry on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination concerning decisions made by the [Administration] *Office of Justice Assistance* affecting State and local criminal justice priorities;

"(5) cooperate with and render technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

"(6) cooperate with and render technical assistance to States, units of local government, and other public and private organizations or agencies involved in victim-witness assistance activities and the post-arrest identification and prosecution of career criminals;

"(7) provide funds and technical assistance to eligible jurisdictions under this title for the development of operational information and telecommunications systems;

"(8) exercise the powers and functions set out in part [H; and] *G;*

"(9) exercise such other powers and functions as may be vested in the [Administrator] *Director* pursuant to this title [.];

"*(10) exercise final authority over such other administrative functions as may be necessary to carry out the provisions of this part; and*

"*(11) exercise authority under part M to assist in combatting criminal justice disasters.*

[**"OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS]**

[**"SEC. 103.** (a) There is established in the Law Enforcement Assistance Administration the Office of Community Anti-Crime Programs (hereinafter in this section referred to as the 'Office'). The Office shall be under the direction of the Administrator and shall—

[(1) provide appropriate technical assistance to community and citizens groups to enable such groups to—

[“(A) apply for grants which encourage community and citizen participation in crime prevention and criminal justice activities;

[“(B) participate in the formula grant application process pursuant to section 402(f) of this title;

[“(C) provide program development and encouragement of neighborhood and community participation in crime prevention and public safety efforts; and

[“(D) implement programs and projects assisted with grants under subsection (b).

[“(2) coordinate its activities with other Federal agencies and programs, including the Community Relations Service of the Department of Justice, which are designed to encourage and assist citizen participation in criminal justice activities;

[“(3) provide information on successful programs of citizen and community participation to citizen and community groups;

[“(4) review, at its discretion, formula grant applications submitted under section 403 of this title in order to assure that the requirements for citizen, neighborhood, and community participation in the application process have been met; and

[“(5) make recommendations, after consultation with citizen, neighborhood, and community organizations, for the designation of effective community anticrime programs for funding as national priority grants under part E and discretionary grants under part F.

[“(b) The Administration is authorized to make grants to be administered by the Office of Community Anti-Crime Programs to community and citizens groups, which grants shall be used—

[“(1) to enable the community to engage in a process leading to the identification of problems facing that community with respect to crime or conflicts, disputes, and other problems that might lead to crime;

[“(2) to provide for the consideration by the community of plans to alleviate such problems with special attention to projects that—

[“(A) have been successful in other communities in dealing with the same or similar problems;

[“(B) provide alternatives to the criminal justice system in resolving conflicts and disputes and in repairing the injuries suffered;

[“(C) promote increased citizen participation and confidence in the processes used to resolve conflicts and disputes; and

[“(D) address the social and economic causes of crime.

[“(3) to enable community and citizen groups to participate in assistance programs under this title, but no grant under this section may be used principally to seek technical assistance or a grant under this title;

[“(4) to conduct training of community groups in the management of grants and such other skills as the Office determines are necessary to enhance the involvement of neighborhoods and citizens in community crime prevention and dispute resolution projects; and

[“(5) to carry out projects determined to be likely to alleviate the community's crime problems as identified through the process set forth in this subsection.

[“(c) In carrying out the functions under this part the Administrator shall make appropriate provisions for coordination among neighborhoods and for consultation with locally elected officials.]

“ESTABLISHMENT OF A JUSTICE ASSISTANCE BOARD

“SEC. 103. (a) There is established a Justice Assistance Board (hereafter referred to as the 'Board'). The Board shall consist of—

“(1) fifteen voting members who shall be appointed by the President;

“(2) the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention, who shall be nonvoting, ex officio members; and

“(3) two nonvoting, coordinating members each from the National Institute of Justice Advisory Board, the Bureau of Justice Statistics Advisory Board, and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

“(b) Members shall represent the public interest and shall be knowledgeable and experienced in the justice systems; such as law enforcement personnel, prosecutors, public and defense attorneys, judges, court administrators, probation and correctional personnel, researchers and scholars, representatives of public and private nonprofit and voluntary organizations, including those which offer programs of assistance to victims of crime, representatives of neighborhood and community-based groups and representatives of local and State governments.

“(c) (1) Voting members of the Board shall be appointed for three-year terms, except in order to provide for continuity in its operations and to establish staggered groups of vacancies, five members of the initial Board shall be appointed for four-year terms, five members of the initial Board shall be appointed for three-year terms, and five members of the initial Board shall be appointed for two-year terms.

“(2) The initial appointment of members shall be made not later than ninety days after the effective date of this Act. Vacancies among Board members shall be filled within ninety days of the vacancy. Any member appointed to fill a vacancy occurring before the scheduled expiration of a term shall be appointed for the remainder of such term. Members shall be eligible for reappointment, but shall serve consecutively no more than two terms or six years, whichever is less. Members once appointed, may not be removed prior to the expiration of their term.

“(d) The Board shall elect from among its voting members a Chair and Vice Chair. The Board shall select from among its voting members two representatives to serve as nonvoting coordinating members on the National Institute of Justice Advisory Board, two representatives to serve as nonvoting coordinating members on the Bureau of

Justice Statistics Advisory Board, and two representatives to serve as nonvoting coordinating members on the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

"(e) The Board shall meet at the call of the Chair, but not less than quarterly. Notice of all Board meetings shall be published. Ten voting members of the Board shall constitute a quorum.

"(f) The Board shall—

"(1) recommend to the Director funding priorities and selection criteria to be used in determining the award and allocation of funds through the Office of Justice Assistance;

"(2) recommend to the Director such policies and program priorities as it deems advisable;

"(3) review and evaluate the activities of the Office of Justice Assistance and make such recommendations to the Director as it considers necessary or appropriate;

"(4) in the event of a vacancy, recommend to the President at least three candidates for the position of Director;

"(5) review and evaluate Federal policies and priorities in justice assistance; and

"(6) coordinate its activities with the National Institute of Justice Advisory Board, the Bureau of Justice Statistics Advisory Board, the National Advisory Committee for Juvenile Justice and Delinquency Prevention, and the Coordinating Council on Juvenile Justice and Delinquency Prevention.

"(g) Beginning January 1, 1983, the Board shall submit an annual report to the President and to the Congress not later than March 31 of each year and may submit such interim reports as it considers advisable to the President and to the Congress. Each annual report shall describe the activities of the Board and shall contain such findings and recommendations as the Board considers necesary or appropriate.

"(h) The Board shall have staff personnel, appointed by the Chair with the approval of the Board, to assist it in carrying out its responsibilities. The head of each Federal agency shall make available to the Board and staff such information and other assistance at it may require to carry out its responsibilities. The Board shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

"(i)(1) Members of the Board shall, while serving on Board business, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS–18 of the General Schedule in section 5332 of title 5, United States Code, including traveltime.

"(2) Members of the Board shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, while serving away from their place of residence or regular place of business, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(j) To carry out the provisions of this section up to $500,000 of funds appropriated for the Administration of the Office of Justice Assistance may be used.

"PART B—NATIONAL INSTITUTE OF JUSTICE

"NATIONAL INSTITUTE OF JUSTICE

"SEC. 201. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

"(1) improving Federal, State, and local criminal justice systems and related aspects of the civil justice system;

"(2) preventing and reducing crimes;

"(3) insuring citizen access to appropriate dispute-resolution forums;

"(4) improving efforts to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption; and

"(5) identifying programs of proven effectiveness, programs having a record of proven success, or programs which offer a high probability of improving the functioning of the criminal justice system.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to Federal, State, and local governments, to develop alternatives to judicial resolution of disputes, to evaluate the effectiveness of programs funded under this title, to develop new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this part, the Institute shall give primary emphasis to the problems of State and local justice systems and shall insure that there is a balance between basic and applied research.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

"SEC. 202. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a National Institute of Justice (hereinafter referred to in this part as the 'Institute').

"(b) The Institute shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in justice research. The Director shall have final authority over all grants, cooperative agreements, and contracts awarded by the Institute. *The Director shall select for employment such employees as are necessary to perform the functions of the Institute.* The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangement under this title. *The Director shall also be a nonvoting member of the Justice Assistance Board. The Director shall have final authority over such other administrative functions as may be necessary to carry out the provisions of this part.*

"(c) The Institute is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstrations, or special projects pertaining to the purposes described in this part, and provide technical assistance and training in support of tests, demonstrations, and special projects;

"(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—

"(A) to identify alternative programs for achieving system goals, [including programs authorized by section 103 of this title];

"(B) to provide more accurate information on the causes and correlates of crime;

"(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

"(D) to improve the functioning of the criminal justice system;

"(E) to develop new methods for the prevention and reduction of crime, the prevention and reduction of parental kidnaping, including the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims to participate in criminal justice decisionmaking, the feasibility and desirability of adopting procedures and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

"(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

"(3) evaluate the effectiveness of projects or programs carried out under this part;

"(4) evaluate, where the Institute deems appropriate, the programs and projects carried out under other parts of this title to determine their impact upon the quality of criminal and civil justice systems and the extent to which they have met or failed to meet the purposes and policies of this title, and disseminate such information to State agencies and, upon request, to units of local government and other public and private organizations and individuals;

"(5) make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

"(6) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

"(7) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, and private organizations relating to the purposes of this part;

"(8) serve as a national and international clearinghouse for the exchange of inforaction with respect to the purposes of this part;

[**"(9) submit a biennial report to the President and Congress on the state of justice research. This report shall describe significant achievements and identify areas needing further study. Other Federal agencies involved in justice research shall assist, upon request, in the preparation of this report;**]

"[**(10)**] *(9)* after consultation with appropriate agencies and officials of States and units of local government, make recommendations for the designation of programs or projects which will be effective in improving the functioning of the criminal justice system, for funding [**as national priority grants under part E and discretionary grants under part F; and**] *under parts D and E;*

"[**(11)**] *(10)* encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services[**.**] *; and*

"*(11) provide financial assistance to encourage replication, coordination, and sharing among State and local justice agencies and public and private nonprofit organizations regarding successful programs or projects and useful information resulting from multi-year and short-term research and development activities authorized under this part.*

"(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Director is authorized to—

"(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

"(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

"(4) seek the cooperation of the judicial branches of Federal and State Government in coordinating civil and criminal justice research and development; and

"(5) exercise the powers and functions set out in [part H.] *part G.*

"AUTHORITY FOR 100 PER CENTUM GRANTS

"SEC. 203. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

"NATIONAL INSTITUTE OF JUSTICE ADVISORY BOARD

"SEC. 204. (a) There is hereby established a National Institute of Justice Advisory Board (hereinafter in this section referred to as the 'Board'). The Board shall consist of [twenty-one] *fifteen* members who shall be appointed by the President. The members shall represent the public interest and should be experienced in the criminal or civil justice systems, including, representatives of States and units of local government, representatives of police, prosecutors, defense attorneys, courts, corrections, experts in the area of victim and witness assistance and other components of the justice system at all levels of government, representatives of professional organizations, representatives of the academic and research community, members of the business community, officials of neighborhood and community organizations, and the general public. A majority of the members of the Board, including the Chairman and Vice Chairman, shall not be full-time employees of Federal, State, or local governments. The Board, by majority vote, shall elect from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Director shall also be a nonvoting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment. The Chairman shall be provided by the Institute with at least one full-time staff assistant to assist the Board. [The Administrator of the Law Enforcement Assistance Administration,] *The Director of the Office of Justice Assistance*, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Bureau of Justice Statistics shall serve as nonvoting ex officio members of the Board and shall be ineligible to serve as Chairman or Vice Chairman. Except as otherwise provided herein, no more than one additional full-time Federal officer or employee shall serve as a member of the Board. *Members, once appointed, may not be removed prior to the expiration of their term.*

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"(b) The Board, after appropriate consultation with representatives of State and local governments, may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assents.

"(c) The term of office of each member of the Board appointed under subsection (a) shall be three years except the first composition of the Board which shall have one-third of these members appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; and any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Such members shall be appointed within ninety days after the date of enactment of the Justice System Improvement Act of 1979. The members of the Board appointed under subsection (a) shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses. No voting member shall serve for more than two consecutive terms.

"(d) The Board shall—

"(1) recommend the policies and priorities of the Institute;

"(2) create, where necessary, formal peer review procedures over selected categories of grants, cooperative agreements, and contracts;

"(3) recommend to the President at least three candidates for the position of Director of the Institute in the event of a vacancy; and

"(4) undertake such additional related tasks as the Board may deem necessary.

"(e) In addition to the powers and duties set forth elsewhere in this title, the Director shall exercise such powers and duties of the Board as may be delegated to the Director by the Board.

"*(f) In order better to coordinate the activities of the Institute with other aspects of the Federal Government's justice assistance efforts—*

"*(1) the Board shall also include two nonvoting, coordinating members each from the Justice Assistance Board, the Bureau of Justice Statistics Advisory Board, and the National Advisory Board, and the National Advisory Committee for Juvenile Justice and Delinquency Prevention, which shall each designate from its members two such representatives, and*

"*(2) the Board shall select from among its members two representatives to serve as nonvoting, coordinating members on the Justice Assistance Board, two representatives to serve as nonvoting, coordinating members on the Bureau of Justice Statistics Advisory Board, and two representativesto serve as nonvoting, coordinating members on the National Advisory Committee for Juvenile Justice and Delinquency Prevention.*

"*(g) To carry out the provisions of this section up to $500,000 of the funds appropriated for administration of the Institute may be used.*

"PART C—BUREAU OF JUSTICE STATISTICS

"BUREAU OF JUSTICE STATISTICS

"SEC. 301. It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime (including white-collar crime and public corruption), juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development *and operation* of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime (including crimes against the elderly, white-collar crime, and public corruption), juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this part, the Bureau shall give primary emphasis to the problems of State and local justice systems.

"ESTABLISHMENT, DUTIES, AND FUNCTIONS

"SEC. 302. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this part as 'Bureau').

"(b) The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. *The Director shall select for employment such employees as are necessary to perform the functions of the Bureau.* The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act. *The Director shall also be a nonvoting member of the Justice Assistance Board. The Director shall have final authority over such other administrative functions as may be necessary to carry out the provisions of this part.*

"(c) The Bureau is authorized to—

"(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this part; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

"(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

"(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence,

incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, and local justice policy and decisionmaking;

"(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;

"(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;

"(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinqency, in the Nation and at the Federal, State, and local levels;

"(7) compile, collate, analyze. publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

"(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

"(9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

"(10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public on justice statistics;

"(11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

"(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

[**"(13) provide financial and technical assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;]**

"*(13) provide financial and technical assistance to States and units of local government relating to development, operation, collection, analysis, or dissemination of justice statistics and development and operation of justice information systems;*

"(14) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

"(15) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

[“(16) insure conformance with security and privacy regulations issued pursuant to section 818; and]

“(*16*) *insure conformance with security and privacy regulations issued pursuant to section 848* 716 *and assist in the development of guidelines for statistics, privacy and security, and information policy;*

“(*17*) *provide assistance to encourage replication, coordination, and sharing among justice agencies regarding information systems, information policy and statistics; and*

“(*18*) [“17)] exercise the powers and functions set out in part H.

“(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

“(1) utilize, with the consent, the services, equipment, records, personnel, information, and facilities of other Federal State, local, and private agencies and instrumentalities with or without reimbursement therefor;

“(*2*) confer and cooperate with State, municipal, and other local agencies;

“(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title; [and]

“(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; [and]

(*5*) *provide assistance to encourage replication, coordination, and sharing among criminal justice agencies regarding information systems, information policy, and statistics.*

“(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d) (3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

“(f) In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

“AUTHORITY FOR 100 PER CENTUM GRANTS

“SEC. 303. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

“BUREAU OF JUSTICE STATISTICS ADVISORY BOARD

“SEC. 304. (a) There is hereby established a Bureau of Justice Statistics Advisory Board (hereinafter referred to in this section as the ‘Board’). The Board shall consist of [twenty-one members who shall be appointed by the Attorney General.] *fifteen members who shall be appointed by the President.* The members should include representatives of States and units of local government, representa-

tives of police, prosecutors, defense attorneys, courts, corrections, experts in the area of victim and witness assistance, and other components of the justice system at all levels of government, representatives of professional organizations, members of the academic, research, and statistics community, officials of neighborhood and community organizations, members of the business community, and the general public. *Members, once appointed, may not be removed prior to the expiration of their term.* The Board, by majority vote, shall elect from among its members a Chairman and Vice Chairman. The Vice Chairman is authorized to sit and act in the place of the Chairman in the absence of the Chairman. The Director shall also be a nonvoting member of the Board and shall not serve as Chairman or Vice Chairman. Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filed in the same manner as in the case of the original appointment. [The Chairman shall be provided by the Bureau with at least one full-time staff assistant to assist the Board.] *The Board shall have staff personnel, appointed by the Chair with the approval of the Board, to assist it in carrying out its responsibilities. The head of each Federal agency shall make available to the Board and staff such information and other assistance as the Board may require to carry its responsibilities. The Board shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5 of the United States Code, or under any other provision of law.* [The Administrator of the Law Enforcement Assistance Administration.] *Director of the Office of Justice Assistance*, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics shall serve as nonvoting ex officio members of the Board but shall be ineligible to serve as Chairman or Vice Chairman. Except as otherwise provided herein, no more than one additional full-time Federal officer or employee shall serve as a member of the Board.

"(b) The Board, after appropriate consultation with representatives of State and local governments, may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assents.

"(c) The term of office of each member of the Board appointed under subsection (a) shall be three years except the first composition of the Board which shall have one-third of these members appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; and any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. The members of the Board appointed under subsection (a) shall receive compensation for each day engaged in the actual performance of duties vested in the Board at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable under the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses. No voting member shall serve for more than two consecutive terms.

"(d) The Board shall—

"(1) review and make recommendations to the Bureau on activities undertaken by the Bureau and formulate and recommend to the Director policies and priorities for the Bureau;

"(2) recommend to the President at least three candidates for the position of Director of the Bureau in the event of a vacancy; and

"(3) carry out such additional related functions as the Board may deem necessary.

"(e) In addition to the powers and duties set forth elsewhere in this title, the Director shall exercise such powers and duties of the Board as may be delegated to the Director by the Board.

"*(f) In order better to coordinate the activities of the Bureau with other aspects of the Federal Government's justice assistance efforts—*

"*(1) The Board shall also include two non-voting, coordinating members each from the Justice Assistance Board, the National Institute of Justice Advisory Board, and the National Advisory Committee for Juvenile Justice and Delinquency Prevention, which shall each designate from among its members two such representatives, and*

"*(2) the Board shall select from among its members two representatives to serve as non-voting, coordinating members on the Justice Assistance Board, two representatives to serve as non-voting, coordinating members on the National Institute of Justice Advisory Board, and two representatives to serve as non-voting, coordinating members on the National Advisory Committee for Juvenile Justice and Delinquency Prevention.*

"*(g) To carry out the provisions of this section up to $500,000 of the funds appropriated for administration of the Bureau may be used.*

"USE OF DATA

"SEC. 305. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

["PART D—FORMULA GRANTS

["DESCRIPTION OF PROGRAM

["SEC. 401. (a) It is the purpose of this part to assist States and units of local government in carrying out specific innovative programs which are of proven effectiveness, have a record of proven success, or which offer a high probability of improving the functioning of the criminal justice system. The Administration is authorized to make grants under this part to States and units of local government for the purpose of—

["(1) establishing or expanding community and neighborhood programs that enable citizens to undertake initiatives to deal with crime and delinquency;

["(2) improving and strengthening law enforcement agencies, as measured by arrest rates, incidence rates, victimization rates,

the number of reported crimes, clearance rates, the number of patrol or investigative hours per uniformed officer, or any other appropriate objective measure;

"(3) improving the police utilization of community resources through support of joint police-community projects designed to prevent or control neighborhood crime;

"(4) disrupting illicit commerce in stolen goods and property and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

"(5) combating arson;

"(6) developing investigations and prosecutions of white-collar crime, organized crime, public-corruption-related offenses, and fraud against the government;

"(7) reducing the time between arrest or indictment and disposition of trial;

"(8) implementing court reforms;

"(9) increasing the use and development of alternatives to the prosecution of selected offenders;

"(10) increasing the development and use of alternatives to pretrial detention that assure return to court and a minimization of the risk of danger;

"(11) increasing the rate at which prosecutors obtain convictions against habitual, nonstatus offenders;

"(12) developing and implementing programs which provide assistance to victims, witnesses, and jurors, including restitution by the offender, programs encouraging victim and witness participation in the criminal justice system, and programs designed to prevent retribution against or intimidation of witnesses by persons charged with or convicted of crimes;

"(13) providing competent defense counsel for indigent and eligible low-income persons accused of criminal offenses;

"(14) developing projects to identify and meet the needs of drug dependent offenders;

"(15) increasing the availability and use of alternatives to maximum-security confinement of convicted offenders who pose no threat to public safety;

"(16) reducing the rates of violence among inmates in places of detention and confinement;

"(17) improving conditions of detention and confinement in adult and juvenile correctional institutions, as measured by the number of such institutions administering programs meeting accepted standards;

"(18) training criminal justice personnel in programs meeting standards recognized by the Administrator;

"(19) revision and recodification by States and units of local government of criminal statutes, rules, and procedures and revision of statutes, rules, and regulations governing State and local criminal justice agencies;

"(20) coordinating the various components of the criminal justice system to improve the overall operation of the system,

establishing criminal justice information systems, and supporting and training of criminal justice personnel;

["(21) developing statistical and evaluative systems in States and units of local government which assist the measurement of indicators in each of the areas described in paragraphs (1) through (20);

["(22) encouraging the development of pilot and demonstration projects for prison industry programs at the State level with particular emphasis on involving private sector enterprise either as a direct participant in such programs, or as purchasers of goods produced through such programs, and aimed at making inmates self-sufficient, to the extent practicable, in a realistic working environment; and

["(23) any other innovative program which is of proven effectiveness, has a record of proven success, or which offers a high probability of improving the functioning of the criminal justice system.

["(b) (1) Except with respect to allocations under subsection (c)—

["(A) for the fiscal year ending September 30, 1980, the Federal portion of any grant made under this part may be up to 100 per centum of the cost of the program or project specified in the application for such gran; and

["(B) for any later fiscal period, but portion of a Federal grant made under this section may be up to 90 per centum of the cost of the program or project specified in the application for such grant unless the Administrator determines that State or local budgetary restraints prevent the recipient from providing the remaining portion.

["(2) (A) The non-Federal portion of the cost of such program or project shall be in cash.

["(B) In the case of a grant to an Indian tribe or other aboriginal group, the Administration may increase the Federal portion of the cost of such program to the extent the Administration deems necessary, if the Adminstration determines that the tribe or group does not have sufficient funds available to meet the non-Federal portion of such cost.

["(3) Except with respect to allocations under subsection (c), a grant recipent shall assume the cost of a program or project funded under this part after a reasonable period of Federal assistance unless the Administrator determines that the recipient is unable to assume such cost because of State or local budgetary restraints.

["(c) (1) The Administration shall allocate from the grant provided for in subsection (a) $200,000 to each of the States for the purposes of administering grants received under this title for operating criminal justice councils, judicial coordinating committees, and local offices pursuant to part D, and an additional amount of at least $50,000 shall be made available by the Administration for allocation by the State to the judicial coordinating committee. These foregoing sums shall be available without a requirement for match. The Administration shall allocate additional funds from the grant to a State for use by the State and its units of local government in an amount that is 7½ per centum of the total grant of such State. Any of the additional funds shall be

matched in an amount equal to any such expended for obligated amount. An amount equal to at least 7½ per centum of the allocation of an eligible jurisdiction as defined in section 402(a) (2), (3), or (4), or of a judicial coordinating committee, must be made available by the State to each such jurisdiction or judicial coordinating committee from these additional funds for purposes set out above. The eligible jurisdiction or combination thereof shall match the amounts passed through in an amount equal to any such amount expended or obligated by the eligible jurisdiction or combination thereof for the purposes set forth above for all Federal funds in excess of $25,000 for each eligible jurisdiction.

["(2) Any funds allocated to States or units of local government and unexpended by such States or units of local government for the purposes set forth above shall be available to such States or units of local government for expenditure in accordance with subsection (a).

["(3) The State may allocate at its discretion to units of local government or combinations of such units which are not eligible jurisdictions as defined in section 402(a) (2), (3), and (4) funds provided under this subsection.

["ELIGIBILITY

["SEC. 402. (a) The Administration is authorized to make financial assistance under this part available to an eligible jurisdiction to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this title. An eligible jurisdiction shall be—

["(1) a State;

["(2) a municipality which has no less than 0.15 per centum of total State and local criminal justice expenditures, and which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration but only if such municipality would receive at least $50,000 for the applicable year under section 405;

["(3) a county which has no less than 0.15 per centum of total State and local criminal justice expenditures, and which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration but only if such county would receive at least $50,000 for the applicable year under section 405;

["(4) any combination of contiguous units of local government, whether or not situated in more than one State, or any combination of units of local government all in the same county, which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available on a nationwide basis to the Administration but only if such combination would receive at least $50,000 for the applicable year under section 405;

["(5) a unit of local government, or any combination of such contiguous units without regard to population, which are otherwise ineligible under the other paragraphs of this subsection.

["(b)(1) Each State shall establish or designate and maintain a criminal justice council (hereinafter referred to in this title as the 'council') for the purpose of—

["(A) analyzing the criminal justice problems within the State based on input and data from all eligible jurisdictions, State agencies, and the judicial coordinating committee and establishing priorities based on the analysis and assuring that these priorities are published on the analysis and assuring that these priorities are published and made available to affected criminal justice agencies prior to time required for application submission;

["(B) preparing a comprehensive State application reflecting the statewide goals, objectives, priorities, and projected grant programs;

["(C)(i) receiving, reviewing, and approving (or disapproving) applications or amendments submitted by State agencies, the judicial coordinating committee, and units of local government, or combinations thereof, as defined in subsection (a)(5), pursuant to section 405(a)(5) of this title; and

["(ii) providing financial assistance to these agencies and units according to the criteria of this title and on the terms and conditions established by such council at its discretion;

["(D) receiving, coordinating, reviewing, and monitoring all applications or amendments submitted by State agencies, the judicial coordinating committee, units of local government, and combinations of such units pursuant to section 403 of this title, recommending ways to improve the effectiveness of the programs or projects referred to in said applications, assuring compliance of said applications with Federal requirements and State law and integrating said applications into the comprehensive State application;

["(E) preparing an annual report for the chief executive of the State and the State legislature containing an assessment of the criminal justice problems and priorities within the State; the adequacy of existing State and local agencies, programs, and resources to meet these problems and priorities; the distribution and use of funds allocated pursuant to this part and the relationship of these funds to State and local resources allocated to crime and justice system problems; and the major policy and legislative initiatives that are recommended to be undertaken on a statewide basis;

["(F) assisting the chief executive of the State, the State legislature, and units of local government upon request in developing new or improved approaches, policies, or legislation designed to improve criminal justice in the State;

["(G) developing and publishing information concerning criminal justice in the State;

["(H) providing technical assistance upon request to State agencies, community-based crime prevention programs, the judicial coordinating committee, and units of local government in matters relating to improving criminal justice in the State; and

["(I) assuring fund accounting, auditing, and evaluation of programs and projects funded under this part to assure compliance with Federal requirements and State law,

["(2) The council shall be created or designated by State law and shall be subject to the jurisdiction of the chief executive of the State who shall appoint the members of the council, designate the chairman, and provide professional, technical, and clerical staff to serve the council. The council shall be broadly representative and include among its membership—

["(A) representatives of eligible jurisdictions as defined in subsection (a)(2), (3), and (4) who shall comprise at least one-third of the membership of the council where there are such eligible jurisdictions in the State and where they submit applications pursuant to this part;

["(B) representatives of the smaller units of local government defined in subsection (a)(5);

["(C) representatives of the various components of the criminal justice system, including representatives of agencies directly related to the prevention and control of juvenile delinquency and representatives of police, courts, corrections, prosecutors, and defense attorneys;

["(D) representatives of the general public including representatives of neighborhood and community-based business, and professional organizations of the communities to be served under this part; and

["(E) representatives of the judiciary including, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer; if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial members and the local trial court judicial officer shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership; additional judicial members of the council as may be required by the Administration shall be appointed by the chief executive of the State from the membership of the judicial coordinating committee or, in the absence of a judicial coordinating committee, from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort.

Individual representatives may fulfill the requirements of more than one functional area or geographical area where appropriate to the background and expertise of the individual.

["(3)(A) Applications from eligible jurisdictions as defined in subsection (a)(2), (3), and (4) may, at the discretion of such eligible jurisdiction, be in the form of a single application to the State for inclusion in the comprehensive State application. Applications or amendments should conform to the overall priorities, unless the eligible jurisdiction's analysis of its criminal justice system demonstrates that such recommended priorities are inconsistent with their needs. Applications or amendments should conform to uniform administra-

tive requirements for submission of applications. Such requirements shall be consistent with guidelines issued by the Administration. Such application or amendments shall be deemed approved unless the council, within ninety days of the receipt of such application or amendment, finds that the application or amendment—

["(i) does not comply with Federal requirements or with State law or regulations;

["(ii) is inconsistent with priorities and fails to establish, under guidelines issued by the Administration, good cause for such inconsistency;

["(iii) conflicts with or duplicates programs or projects of another applicant under this title, or other Federal, State, or local supported programs or applications; or

["(iv) proposes a program or project that is substantially identical to or is a continuation of a program or project which has been evaluated and found to be ineffective under section 404(c)(4).

Where the council finds such noncompliance, inconsistency, conflict, or duplication, it shall notify the applicant in writing and set forth its reasons for the finding.

["(B) The applicant may, within thirty days of receipt of written findings of the council pursuant to subparagraph (A) submit to the council a revised application or state in writing the applicant's reasons for disagreeing with the council's findings.

["(C) A revised application submitted under subparagraph (B) shall be treated as an original application except that the council shall act on such application within thirty days.

["(D) If an applicant states in writing a disagreement with the council's written findings as specified in subparagraph (A), the findings shall be considered appealed. The appeal shall be in accordance with a procedure developed by the council and reviewed and agreed to by the eligible jurisdiction. If any eligible jurisdiction in a State fails to agree with the council appeal process prior to application submission to the council, the appeal shall be in accordance with procedures developed by the Administration. The Administration appeal procedures shall provide that if the council's action is not supported by clear and convincing evidence or if the council acted arbitrarily or capriciously, the council shall be directed to reconsider or approve the application or amendment.

["(E) Approval of the application of such eligible local jurisdiction shall result in the award of funds to such eligible jurisdiction without requirement for further application or review by the council.

["(4) Applications from State agencies and eligible jurisdictions as defined in subsection (a)(5) must be in the manner and form proscribed by the council. Where the council determines under paragraph (1)(C) and (D) that an application or amendment from a State agency or an eligible jurisdiction as defined in subsection (a)(5)—

["(A) does not comply with Federal requirements or with State law or regulation;

["(B) is inconsistent with priorities, policy, organizational, or procedural arrangements, or the crime analysis;

["(C) conflicts with or duplicates programs or projects of another applicant under this title, or other Federal, State, or local supported programs or applications; or

"(D) proposes a program or project that is substantially identical to or is a continuation of a program or project which has been evaluated and found to be ineffective:

the council shall notify the applicant in writing of the finding and the reasons for the finding and may deny funding or recommend appropriate changes. Appeal of the council's action shall be in accordance with procedures established by the council for such matters.

"(c) The chief executive(s) of an eligible jurisdiction as defined in subsection (a)(2), (3), and (4) shall create or designate an office for the purpose of preparing and developing the jurisdiction's application and assuring that such application complies with Federal requirements, State law, fund accounting, auditing and the evaluation of programs and projects to be funded under the application to be submitted to the council pursuant to section 403 of this title. Each eligible jurisdiction shall establish or designate a local criminal justice advisory board (hereinafter referred to in this section as the 'board') for the purpose of—

"(1) analyzing the criminal justice problems within the eligible jurisdiction and advising the council of the eligible jurisdiction on priorities;

"(2) advising the chief executive of the eligible jurisdiction pursuant to this title;

"(3) advising on applications or amendments by the eligible jurisdiction;

"(4) assuring that there is an adequate allocation of funds for court programs based upon that proportion of the eligible jurisdiction's expenditures for court programs which contributes to the jurisdiction's eligibility for funds and which take into account the court priorities recommended by the judicial coordinating committee; and

"(5) assuring that there is an adequate allocation of funds for correction programs based on that portion of the eligible jurisdistion's expenditures for correction programs which contribute to the judicial eligibility for funds.

Such board shall be established or designated by the chief executive of the eligible jurisdiction and shall be subject to the jurisdiction of the chief executive who shall appointed the members and designate the chairman. Such board shall be broadly representative of the various components of the criminal justice system and shall include among its membership representatives of neighborhood, community-based and professional organizations. In the case of an eligible jurisdiction as defined in subsection (a)(4), the membership of the board shall be jointly appointed in such manner as the chief executive of each unit of local government shall determine by mutual agreement. Decisions made by the board pursuant to this subsection may be reviewed and either be accepted or rejected by the chief executive of the eligible subgrant jurisdiction, or in the case of an eligible jurisdiction as defined in subsection (a)(4) in such manner as the chief executive of each unit of local government shall determine by mutual agreement. Where an eligible jurisdiction as defined in subsection (a)(2) or (3) chooses not to combine pursuant to section 402(a)(4) and chooses not to exercise the powers of this subsection, it shall be treated as an eligible jurisdiction under subsection (a)(5).

["(d) The court of last resort of each State may establish or designate a judicial coordinating committee (hereinafter referred to in this title as the 'committee') for the preparation, development, and revision of a three-year application or amendments thereto reflecting the needs and priorities of the court of the State. For those States where there is a judicial agency which is authorized by State law on the date of enactment of this subsection to perform this function and which has a statutory membership of a majority of court officials (including judges and court administrators), the judicial agency may establish or designate the judicial coordinating committee. The committee shall—

["(1) establish priorities for the improvement of the various courts of the State;

["(2) define, develop, and coordinate programs and projects for the improvement of the courts of the State; and

["(3) develop, in accordance with part D, an application for the funding of programs and projects designed to improve the functioning of the courts and judicial agencies of the State.

The committee shall submit its three-year application or amendments to the council. The committee shall review for consistency with the court priorities, applications, or amendments from any jurisdiction which has incurred expenditures for court services from its own sources or from any other jurisdiction which is applying for funds for court services. The committee shall report to the council and the applicant its findings of consistency and inconsistency. The council shall approve and incorporate into its application in whole or in part the application or amendments of the committee unless the council determines that such committee application or amendments are not in accordance with this title, are not in conformance with, or consistent with, their own application made pursuant to section 403 of this title, or do not conform with the fiscal accountability standards of this title.

["(e)(1) The council will provide for procedures that will insure that all applications or amendments by units of local government or combinations thereof or judicial coordinating committees shall be acted upon no later than ninety days after being first received by the council. Final action by the council which results in the return of any application or amendments to an application must contain specific reasons for such action within ninety days of receipt of the application. Any part of such application or amendments which is not acted upon shall be deemed approved for submission to the Administration. Action by the council on any application or part thereof shall not preclude the resubmission of such application or part thereof to the council at a later date.

["(2) The council, the judicial coordinating committee, and local boards, established pursuant to subsection (c), shall meet at such times and in such places as they deem necessary and shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted if final action is to be taken at the meeting on the State application or any application for funds or any amendment thereto. The council, the judicial coordinating committee, and local boards, pursuant to subsection (c), shall provide for public access to all records relating to

their functions under this title, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.

"(3) The council shall, at a time designated in regulations promulgated by the Administration, submit its application made pursuant to this part to the Administration for approval. Its application shall include funding allocations or applications which were submitted by State agencies, the judicial coordinating committee, and units of local government, or combinations thereof, and which were first reviewed and approved by the council pursuant to subsection (b)(3), (b)(4), or (d) as appropriate.

"(f) To be eligible for funds under this part all eligible jurisdictions shall assure the participation of cizitens, and neighborhood and community organizations, in the application process. No grant may be made pursuant to this part unless the eligible jurisdiction has provided satisfactory assurances to the Administration that the applicant has—

"(1) provided citizens and neighborhood and community organizations with adequate information concerning the amounts of funds available for proposed programs or projects under this title, the range of activities that may be undertaken, and other important program requirements;

"(2) provided citizens and neighborhood and community organizations an opportunity to consider and comment on priorities set forth in the application or amendments;

"(3) provided for full and adequate participation of units of local government in the performance of the analysis and the establishment of priorities required by subsection (b)(1)(A); and

"(4) provided an opportunity for all affected criminal justice agencies to consider and comment on the proposed programs to be set forth in the application or amendments.

The Administrator, in cooperation with the Office of Community Anti-Crime Programs, may establish such rules, regulations, and procedures as are necessary to assure that citizens and neighborhood and community organizations will be assured an opportunity to participate in the application process.

"APPLICATIONS

"SEC. 403. (a) No grant may be made by the Administration to a State, or by a State to an eligible recipient pursuant to part D, unless the application sets forth criminal justice programs covering a three-year period which meet the objectives of section 401 of this title. This application must be amended annually if new programs are to be added to the application or if the programs contained in the original application are not implemented. The application must include—

"(1) an analysis of the crime problems and criminal justice needs within the relevant jurisdiction and a description of the services to be provided and performance goals and priorities, including a specific statement of how the programs are expected to advance the objectives of section 401 of this title and meet the

identified crime problems and criminal justice needs of the jurisdiction;

["(2) an indication of how the programs relate to other similar State or local programs directed at the same or similar problems;

["(3) an assurance that following the first fiscal year covered by an application and each fiscal year thereafter, the applicant shall submit to the Administration, where the applicant is a State, and to the council where the applicant is a State agency, the judicial coordinating committees, a nongovernmental grantee, or a unit or combination of units of local government—

["(A) a performance report concerning the activities carried out pursuant to this title; and

["(B) an assessment by the applicant of the impact of those activities on the objectives of this title and the needs and objectives identified in the applicant's statement;

["(4) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

["(5) an assurance where the applicant is a State or unit or combination of units of local government that there is an adequate share of funds for courts and for corrections, police, prosecution, and defense programs;

["(6) a provision for fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Administration shall prescribe to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

["(7) a provision for the maintenance of such data and information and for the submission of such reports in such form, at such times, and containing such data and information as the Administration may reasonably require to administer other provisions of this title;

["(8) a certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administration and shall be executed by the chief executive officer or other officer of the applicant qualified under regulations promulgated by the Administration; and

["(9) satisfactory assurances that equipment, whose purchase was previously made in connection with a program or project in such State assisted under this title and whose cost in the aggregate was $100,000 or more, has been put into use not later than one year after the date set at the time of purchase for the commencement of such use and has continued in use during its useful life.

["(b) Applications from judicial coordinating committees, State agencies, and other nongovernmental grantees do not have to include

the crime analysis required by subsection (a)(1) but may rely on the crime analysis prepared by the council.

"REVIEW OF APPLICATIONS

"SEC. 404. (a) The Administration shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that—

"(1) the application or amendment thereof is consistent with the requirements of this title;

"(2) the application or amendment thereof was made public prior to submission to the Administration and an opportunity to comment thereon was provided to citizens and neighborhood and community groups; and

"(3) prior to the approval of the application or amendment thereof the Administration has made an affirmative finding in writing that the program or project is likely to contribute effectively to the achievement of the objectives of section 401 of this title.

Each application or amendment made and submitted for approval to the Administration pursuant to section 403 of this title shall be deemed approved, in whole or in part, by the Administration within ninety days after first received unless the Administration informs the applicant of specific reasons for disapproval.

"(b) The Administration shall suspend funding for an approved application in whole or in part if such application contains a program or project which has failed to conform to the requirements or statutory objectives of this Act as evidenced by—

"(1) the annual performance reports submitted to the Administration by the applicant pursuant to section 802(b) of this title;

"(2) the failure of the applicant to submit annual performance reports pursuant to section 403 of this title;

"(3) evaluations conducted pursuant to section 802(b);

"(4) evaluations and other information provided by the National Institute of Justice.

The Administration may make appropriate adjustments in the amounts of grants in accordance with its findings pursuant to this subsection.

"(c) Grant funds awarded under part D shall not be used for—

"(1) the purchase of equipment or hardware except as provided in section 102(7), or the payment of personnel costs, unless the cost of such purchases or payments is incurred as an incidental and necessary part of a program of proven effectiveness, a program having a record of proven success, or a program offering high probability of improving the functioning of the criminal justice system (including bulletproof vests). In determining whether to apply this limitation, consideration must be given to the extent of prior funding from any sources in that jurisdiction for substantially similar activities;

"(2) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or

the compensation of personnel engaged in research, development, demonstration, or short-term programs;

["(3) construction projects; or

["(4) programs or projects which, based upon evaluations by the National Institute of Justice, Law Enforcement Assistance Administration, Bureau of Justice Statistics, State or local agencies, and other public or private organizations, have been demonstrated to offer a low probability of improving the functioning of the criminal justice system. Such programs must be formally identified by a notice in the Federal Register after opportunity for comment.

["(d) The Administration shall not finally disapprove any application submitted to the Administrator under this part, or any amendments thereof, without first affording the applicant reasonable notice and opportunity for a hearing and appeal pursuant to section 803 of this title.

["ALLOCATION AND DISTRIBUTION OF FUNDS

["SEC. 405. (a) Of the total amount appropriated for parts D, E, and F in any fiscal year, 80 per centum shall be set aside for part D and allocated to States, units of local government, and combinations of such units as follows:

["(1) The sum of $300,000 to each of the participating States as defined in section 402(a)(1) and the balance according to one of the following two formulas, whichever formula results in the larger amount:

["(A) Of the remaining amount to be allocated pursuant to this part:

["(i) 25 per centum shall be allocated in proportion to the relative population within the State as compared to the population in all States;

["(ii) 25 per centum shall be allocated in proportion to the relative number of index crimes (as documented by the Department of Justice) reported within the State as compared to such numbers in all States;

["(iii) 25 per centum shall be allocated in proportion to the relative amount of total State and local criminal justice expenditures within the State as compared to such amounts in all States; and

["(iv) 25 per centum shall be allocated in proportion to the relative population within the State, weighted by the share of State personal income and paid in State and local taxes, as compared to such weighted populations in all States; or

["(B) The remaining amount to be allocated pursuant to this part shall be allocated in proportion to the relative population within the State as compared to the population, in all States;

except that no State which receives financial assistance pursuant to subparagraph (A) shall receive an amount in excess of 110 per centum of that amount available to a State pursuant to subparagraph (B). Formula allocations under this section shall utilize relative population data only for the Virgin Islands, Guam,

American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

["(2) If the fund allocation to each of the States pursuant to paragraph (1) results in a total amount in excess of the amount appropriated for the purposes of this part, additional funds shall be allocated by the Administration from part E or F to the States for purposes consistent with those parts so that the total amount equals the total amount allocated under paragraph (1). No State shall receive an allocation pursuant to paragraph (1) which is less than the block grant allocation received by such State for fiscal year 1979 pursuant to parts C and E, except that if the total amount appropriated for part D for any fiscal year subsequent to fiscal year 1979 is less than the total block grant appropriation for parts C and E during fiscal year 1979, the States shall receive an allocation in accordance with paragraph (1)(B).

["(3) From the amount made available to each State pursuant paragraphs (1) and (2), the Administration shall determine basic allocations to be made available to the State, to eligible jurisdictions as defined in section 402(a) (2), (3), or (4) and to eligible jurisdictions as defined in section 402(a)(5). Such allocations shall be determined—

["(A) by distributing 70 per centum of available funds allocated under paragraphs (1) and (2) to the State and those eligible units of local government within the State as defined in section 402(a) in a proportion equal to their own respective share of total State and local criminal justice expenditures; and

["(B) by dividing the remaining 30 per centum of available funds allocated under paragraphs (1) and (2) and distributing to the State and to those eligible units of local government within the State as defined in section 402(a), in four equal shares in amounts determined as follows:

["(i) for combating crime as specified in section 401 (a), a proportion of the available funds equal to their own respective share of total State and local expenditures for police services from all sources;

["(ii) for improving court administration as specified in section 401(a), a proportion of the available funds equal to their own respective share of total State and local expenditures for judicial, legal, and prosecutive, and public defense services from all sources;

["(iii) for improving correctional services as specified in section 401(a), a proportion of the available funds equal to their own respective share of total State and local expenditures for correctional services from all sources; and

["(iv) for devising effective alternatives to the criminal justice system as specified in section 401(a) a proportion of the available funds equal to their own respective share of total State and local expenditures from all sources.

["(4) All allocations under paragraph (3) shall be based upon the most accurate and complete data available for such fiscal year

or for the most recent fiscal year for which accurate data are available. Eligible jurisdictions as defined in section 402(a)(4) may not receive an allocation based upon the population of eligible cities and counties as defined in section 402(a) (2), (3), and (5) unless such cities and counties participate in activities under this title as part of a combination of units of local government as defined in section 402(a)(4). In determining allocations for the eligible units as defined in section 402(a), an aggregate allocation may be utilized where eligible jurisdictions as defined in section 402(a) combine to meet the population requirements of section 402(a)(4).

"(5) The amount made available pursuant to paragraph (3) to eligible units of local government within each State, as defined in section 402(a)(5), and to eligible jurisdictions, as defined in section 402(a)(2), (3), or (5) which choose not to combine pursuant to section 402(a)(4) and choose not to exercise the powers of section 402(c), shall be reserved and set aside in a special discretionary fund for use by the council pursuant to section 402 of this title, in making grants (in addition to any other grants which may be made under this title to the same entities or for the same purposes) to such units of local government or combinations thereof. The council shall allocate such funds among such local units of government or combinations thereof which make application pursuant to section 403 of this title, according to the criteria of this title and on the terms and conditions established by such council at its discretion. If in a particular State, there are no eligible units of local government, as defined in section 402(a)(2), (3), or (4), of this part, the amount otherwise reserved and set aside in the special discretionary fund shall consist of the entire amount made available to local units of government, pursuant to this section.

"(b) At the request of the State legislature while in session or a body designated to act while the legislature is not in session, general goals, priorities, and policies of the council shall be submitted to the legislature for an advisory review prior to its implementation by the council. In this review the general criminal justice goals, priorities, and policies that have been developed pursuant to this part shall be considered. If the legislature or the interim body has not reviewed such matters forty-five days after receipt, such matters shall then be deemed reviewed.

"(c) No award of funds that are allocated to the States, units of local government, or combinations thereof under this part shall be made with respect to a program other than a program contained in an approved application.

"(d) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State, unit of local government, or combination thereof for that fiscal year will not be required, or that the State, unit of local government, or combination thereof will be unable to qualify or receive funds under the requirements of this part, such funds shall be available for reallocation to the States, or other units of local government and combinations thereof within such State, as the Administration

may determine in its discretion, but all States shall be considered equally for reallocated funds.

[**"(e) A State may award funds from the State allocation to private nonprofit organizations. Eligible jurisdictions as defined in section 402(a) (2) through (5) may utilize the services of private nonprofit organizations for purposes consistent with this title.**

[**"(f) In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, a State shall submit a plan for carrying out the purposes of that Act in accordance with the provisions of this title and section 223 of that Act. Such plan may at the direction of the Administrator be incorporated into the State application to be submitted under this part.**

[**"(g) Eligible jurisdictions which choose to utilize regional planning units may utilize the boundaries and organization of existing general purpose regional planning bodies within the State.**]

"PART D—NATIONAL PRIORITY IMPLEMENTATION AND REPLICATION PROGRAMS

"PURPOSE

"SEC. 401. It is the purpose of this part to provide financial assistance to States, units of government, public and private nonprofit organizations, and neighborhood and community-based groups to replicate programs and projects which have been proven successful in addressing national crime priorities and the functioning of justice systems. Financial awards shall be made to encourage local institutionalization of the program or project.

"FEDERAL SHARE

"SEC. 402. (a) Financial awards under this part shall be made for a period of up to four years. The Federal share of project or program costs for grants of specified duration shall be in accordance with the following formula:

"(1) Four year grants—not to exceed 90 per centum in the first year, 75 per centum in the second year, 50 per centum in the third year, and 25 per centum in the fourth year.

"(2) Three year grants—not to exceed 75 per centum in the first year. 50 per centum in the second year, and 25 per centum in the third year.

"(3) Two year grants—not to exceed 50 per centum in the first year, and 25 per centum in the second year.

"(4) One year grant—not to exceed 50 per centum.

"USES

"SEC. 403. (a) The Director of the Office of Justice Assistance is authorized to make grants providing assistance to implement pro-

grams and projects that address critical problems of violent and serious offenses and which programs are certified by the Director as having proven a success on the basis of objective, empirical, or statistical information or evaluation in accordance with criteria developed by the Office of Justice Assistance. In making grants under this part, the Director shall consider geographic distribution in order to benefit all sections of the country. The Director shall give priority to programs and projects that—

"(1) provide community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime;

"(2) disrupt illicit commerce in stolen goods and property;

"(3) combat arson;

"(4) effectively investigate and bring to trial white-collar crime, organized crime, public corruption crimes, and fraud against the Government;

"(5) identify and process within justice systems persons with a history of serious criminal conduct;

"(6) develop and implement programs which provide assistance (other than compensation) to jurors, witnesses, and victims of crime;

"(7) provide alternatives to pretrial detention, jail, and prison for persons who pose no danger to the community;

"(8) provide programs which identify and meet the needs of drug-dependent offenders;

"(9) provide programs which alleviate prison and jail overcrowding;

"(10) provide training, management, and technical assistance to justice personnel;

(11) provide assistance for the development and operation of justice information systems, including management information systems;

"(12) provide programs which address the problem of serious and violent offenses committed by juveniles;

"(13) provide programs which address offenses committed against the elderly;

"(14) coordinate the activities of components of the criminal justice system; and

"(15) providing programs to speed the trial of criminal cases, reform sentencing practices and procedures, improve the efficiency of the jury system, and improve the processing of cases involving the mentally incompetent and pleas of mental incapacity.

"(b) The Director of the Office of Justice Assistance shall annually establish funding priorities and selection criteria for assistance after first providing notice and an opportunity for public comment. In establishing such priorities and criteria, the Director shall specify the amount of assistance available for each national priority initiative selected for replication using Federal assistance.

"(c) The National Institute of Justice shall be responsible for objectively evaluating all projects funded under this part.

BEST DOCUMENT AVAILABLE

"APPLICATIONS

"SEC. 404. (a) No grant may be made pursuant to this part unless an application has been submitted to the Director in accordance with criteria established by the Office of Justice Assistance. Awards shall be given to those applicants that most clearly satisfy the funding priorities and selection criteria as established by the Office of Justice Assistance.

"(b) Applications must include a commitment and evidence of ability to fulfill the applicant's share of project or program costs over the term of the grant by cash match and evidence a commitment to continuing the project or program beyond the term of the grant.

"(c) At least 30 per centum of the funds reserved and set aside for this part shall be allocated to private nonprofit organizations and neighborhood and community-based groups for the purposes specified in this part.".

["PART E—NATIONAL PRIORITY GRANTS

["PURPOSE

["SEC. 501. It is the purpose of this part, through the provision of additional Federal financial aid and assistance, to encourage States and units of local government to carry out programs which, on the basis of research, demonstration, or evaluations by the National Institute of Justice, Bureau of Justice Statistics, Law Enforcement Assistance Administration, State or local governments, or other Federal, State, local, or private organizations or agencies, have been shown to meet the criteria of section 503(a).

["PERCENTAGE OF APPROPRIATION FOR NATIONAL PRIORITY GRANT PROGRAM

["SEC. 502. Of the total amount appropriated for parts D, E, and F, in any fiscal year, 10 per centum shall be reserved and set aside pursuant to this part as funding incentives for use by the Administration in making national priority grants (in addition to any other grants which may be made under this title to the same entities or for the same purpose) to States, units of local government, and combinations of such units.

["PROCEDURE FOR DESIGNATING NATIONAL PRIORITY PROGRAMS

["SEC. 503. (a) The Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration shall periodically and jointly designate national priority programs and projects which through research, demonstration, or evaluation have been shown to be effective or innovative and to have a likely beneficial impact on criminal justice. Such national priorities may include programs and projects designated to improve the comprehensive planning and coordination of State and local criminal justice activities. Priorities established under this subsection shall be considered priorities for a period of time determined by such Director and Administrator jointly but not to exceed three

years from the time of such determination except in cases of recipients for which State or local budgetary restraints prevent assumption of costs of priority projects. Such priorities shall be designated according to such criteria, and on such terms and conditions, as such Director and such Administrator jointly may determine.

"(b) Such Director and such Administrator shall jointly annually request the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, State and local governments, and other appropriate public and private agencies to suggest national priority programs and projects. Such Director and such Administrator shall jointly then, pursuant to regulations such Director and such Administrator jointly promulgate annually, publish proposed national priority programs and projects pursuant to this part and invite and encourage public comment concerning such priorities. Such priority programs and projects shall not be established or modified until such Director and such Administrator jointly have provided at least sixty days advance notice for public comment and shall encourage and invite recommendations and opinion concerning such priorities from appropriate agencies and officials of State and units of local government. After considering any comments submitted during such period of time, such Director and such Administrator jointly shall establish priority programs and projects for that year (and determine whether existing priority programs and projects should be modified). Such Director and such Administrator shall jointly publish in the Federal Register the priority programs and projects established pursuant to this part prior to the beginning of fiscal year 1981 and each fiscal year thereafter for which appropriations will be available to carry out the program. In the event of a disagreement by such Director and such Administrator as to the exercise of joint functions under this section, the Attorney General shall resolve such disagreement.

"APPLICATION REQUIREMENTS

"SEC. 504. (a) No grant may be made pursuant to this part unless an application has been submitted to the Administration in which the applicant—

"(1) identifies the priority program to be funded and describes how funds allocated pursuant to this part and pursuant to part D will be expended to carry out the priority program;

"(2) describes specifically what percentage of funds allocated for the upcoming year pursuant to part D will be spent on priority programs and projects pursuant to this part;

"(3) describes specifically the priority programs and projects for which funds are to be allocated pursuant to part D for the upcoming fiscal year;

"(4) describes what percentage of part D funds were expended on national priority projects during the preceding fiscal year; and

"(5) describes specifically the priority programs and projects for which funds were allocated pursuant to part D during the preceding fiscal year and the amount of such allocation.

["(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administration.

["(c) Each application must be submitted for review to the criminal justice council in whose State the applicant is located. The council shall have thirty days to comment to the Administration upon the application. Any recommendation shall be accompanied by supporting rationale.

["(d) States and units of local government may utilize the services of private nonprofit organizations for purposes consistent with this part.

["CRITERIA FOR AWARD

["SEC. 505. (a) The Administration shall, after appropriate consultation with representatives of State and local governments and representatives of the various components of the justice system at all levels of government, establish reasonable requirements consistent with this part for the award of national priority grants. Procedures for awards of national priority grants shall be published in the Federal Register and no national priority grant shall be made in a manner inconsistent with these procedures. The Administration in determining whether to award a priority grant to an eligible jurisdiction shall give consideration to the criminal justice needs and efforts of eligible jurisdictions, to the need for continuing programs which would not otherwise be continued because of the lack of adequate part D funds, and to the degree to which an eligible jurisdiction has expended or proposes to expend funds from part D or other sources of funds, including other Federal grants, for priority programs and projects. No jurisdiction shall be denied a priority grant solely on the basis of its population.

["(b) Grants under this part may be made in an amount equal to 50 per centum of the cost of the priority program or project for which such grant is made except allocations made pursuant to section 45 (a)(2), which may be made in an amount equal to 100 per centum of the cost of the funded program. The remaining costs may be provided from part D funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. The Administration may provide technical assistance to any priority program or project funded under this part. Technical assistance so provided may be funded in an amount equal to 100 per centum of its cost from funds set aside pursuant to this part.

["(c) Amounts reserved and set aside pursuant to this part in any fiscal year, but not used in such year, may be used by the Administration to provide additional financial assistance to priority programs or projects of demonstrated effectiveness in improving the functioning of the criminal justice system, notwithstanding the provisions of subsection (b).

["(d) The Administration may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or

renewed by the Administration for an additional period of up to two years if an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system. A recipient shall assume the cost of any program assisted under this part after the period of Federal assistance unless the Administrator determines that the recipient is unable to assume such cost because of State or local budgetary restraints. The Administration shall assure that the problems and needs of all of the States are taken into account in distributing funds for this part among the States.]

"PART [F] *E*—DISCRETIONARY GRANTS

"PURPOSE

[SEC. 601. It is the purpose of this part, through the provision of additional Federal financial assistance, to encourage States, units of local government, combinations of such units, or private nonprofit organizations to—

[(1) undertake programs and projects, including educational programs, to improve and strengthen the criminal justice system;

[(2) improve the comprehensive planning and coordination of State and local criminal justice activities especially coordination between city and county jurisdictions;

[(3) provide for the equitable distribution of funds under this title among all segments and components of the criminal justice system;

[(4) develop and implement programs and projects to redirect resources so as to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption;

[(5) to support modernization and improvement of State and local court and corrections systems and programs;

[(6) to support organized crime programs, programs to prevent and reduce crime in public or private places and programs which are designed to disrupt illicit commerce in stolen goods and property; and

[(7) to support community and neighborhood anticrime efforts.

[PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY GRANT PROGRAM

[SEC. 602. Of the total a mount appropriated for parts D, E, and F in any fiscal year 10 per centum shall be reserved and set aside pursuant to this part in a special discretionary fund for use by the Administration in making grants (in addition to any other grants which may be made under this title to the same entities or for the same pur-

poses) to States, units of local government, combinations of such units, or private nonprofit organizations, for the purposes set forth in section 601 of this title. The Administrator shall assure that funds allocated under this subsection to private nonprofit organizations shall be used for the purpose of developing and conducting programs and projects which would not otherwise be undertaken pursuant to this title including programs and projects—

["(1) to stimulate and encourage the improvement of justice and the modernization of State court operations by means of financial assistance to national nonprofit organizations operating in conjunction with and serving the judicial branches of State governments;

["(2) to provide national education and training programs for State and local prosecutors, defense personnel, judges and judicial personnel, and to disseminate and demonstrate new legal developments and methods by means of teaching, special projects, practice, and the publication of manuals and materials to improve the administration of criminal justice. Organizations supported under this paragraph shall assist State and local agencies in the education and training of personnel on a State and regional basis;

["(3) to support community and neighborhood anticrime programs;

"(4) to stimulate, improve, and support victim-witness assistance programs; and

["(5) to improve the administration of justice by encouraging and supporting the development, dissemination, implementation, evaluation, and revision of criminal justice standards and guidelines.

["PROCEDURE FOR ESTABLISHING DISCRETIONARY PROGRAMS

["SEC. 603. (a) The Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration shall periodically and jointly establish discretionary programs and projects for financial assistance under this part. Such programs and projects shall be considered priorities for a period of time not to exceed three years from the time of such determination.

["(b) Such Director and such Administrator shall jointly annually request the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, State and local governments, and other appropriate public and private agencies to suggest discretionary programs and projects. Such Director and such Administrator shall jointly then, pursuant to regulations, annually publish the proposed priorities pursuant to this part and invite and encourage public comment concerning such priorities. Priorities shall not be established or modified until such Director and such Administrator jointly have provided at least sixty-days advance notice for such public comment and such Director and such Administrator jointly shall encourage and invite recommendations and opinion concerning such priorities from appropriate agencies and officials of State and units of local government. After considering any com-

ments submitted during such period of time and after consultation with appropriate agencies and officials of State and units of local government, such Director and such Administrator jointly shall determine whether existing established priorities should be modified. Such Director and such Administrator shall jointly publish in the Federal Register the priorities established pursuant to this part prior to the beginning of fiscal year 1981 and each fiscal year thereafter for which appropriations will be available to carry out the program.

"PART E—DISCRETIONARY GRANTS

"PURPOSE

"SEC. 501. The purpose of this part is to provide additional Federal assistance to States, units of local government, combinations of such units, public and private nonprofit organizations, and neighborhood and community-based groups for the purposes of—

"(1) undertaking educational and training programs for justice systems personnel;

"(2) providing technical assistance directly to—

"(A) recipients of assistance under part D or to the jurisdictions in which such programs and projects are undertaken; and

"(B) jurisdictions that wish to replicate national priority implementation programs but are not receiving assistance under part D; and

"(3) national demonstration programs which, in view of previous research or experience, are likely to prove successful after testing, evaluation, and refinement and are not likely to be funded from other sources.

"(4) The National Institute of Justice shall be responsible for objectively evaluating all projects funded under this part.

"PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY GRANT PROGRAM

"SEC. 502. Of the total amount appropriated for this part in any fiscal year—

"(1) 50 per centum shall be reserved and set aside for this part in a special discretionary fund for use by the Office of Justice Assistance in making grants to carry out the purposes specified in paragraphs (1) and (2) of section 501;

"(2) 50 per centum shall be reserved and set aside for this part in a special discretionary fund for use by the Office of Justice Assistance in making grants to carry out the purpose specified in paragraph (3) of section 501;

"(3) the Federal portion of any grants made under this part may be made in amounts up to 100 per centum of the costs of the program or project; and

"(4) at least 30 per centum of the funds reserved and set aside for this part shall be allocated to private nonprofit organizations and neighborhood and community-based groups for the purposes specified in this part.

"*PROCEDURE FOR ESTABLISHING FUNDING AND SELECTION CRITERIA*

"*SEC. 503. The Director of the Office of Justice Assistance shall annually establish funding priorities and selection criteria for assistance after first providing notice and an opportunity for public comment.*".

"APPLICATION REQUIREMENTS

"SEC. [604.] *504.* (a) No grant may be made pursuant to this part unless an application has been submitted to the [Administration] *Office of Justice Assistance in which the applicant—*

"(1) sets forth a program or project which is eligible for funding pursuant to this part;

"(2) describes the services to be provided, performance goals and the manner in which the program is to be carried out;

"(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals and agrees to conduct such evaluation according to the procedures and terms established by the [Administration] *Office of Justice Assistance;*

"(4) indicates, if it is a private nonprofit organization, that it has consulted with appropriate agencies and officials of the State and units of local government to be affected by the program and project.

"(b) Each applicant for funds under this part shall certify that its program or project meets all the requirements of this section, that all the information contained in the application is correct, and that the applicant will comply with all the provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the [Administration] *Office of Justice Assistance.*

CRITERIA FOR AWARD

"SEC. [605.] *505.* The [Administration] *Office of Justice Assistance* shall, in its discretion and according to the criteria and on the terms and conditions it determines consistent with this part, provide financial assistance to those programs or projects which most clearly satisfy the priorities established under section 603. In providing such assistance pursuant to this part, the [Administration] *Office of Justice Assistance* shall consider whether certain segments and components of the criminal justice system have received a disproportionate allocation of financial aid and assistance pursuant to other parts of this title, and, if such a finding is made, shall assure the funding of such other segments and components of the criminal justice system as to correct inequities resulting from such disproportionate allocations. [Federal funding under this part may be up to 100 per centum of the cost of the program.] In distributing funds under this part among the States, the [Administration] *Office of Justice Assistance* shall assure that the problems and needs of all of the States are taken into account and shall fund some programs and projects responsive to [each type of section 402 eligible jurisdiction.] *their needs. In making grants under this part, the Director shall consider geographic distribution in order to benefit all sections of the country.*

"PERIOD FOR AWARD

"SEC. [606.] *506.* The [Administration] *Office of Justice Assistance* may provide financial aid and assistance to programs or projects under this part for a period not to exceed three years. Grants made pursuant to this part may be extended or renewed by the Administration for an additional period of up to two years if—

"(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

"(2) the State, unit of local government, or combination thereof and private nonprofit organizations within which the program or project has been conducted agrees to provide at least one-half of the total cost of such program or project from part D funds or from any other source of funds, including other Federal grants, available to the eligible jurisdiction. Funding for the management and the administration of national nonprofit organizations under section [602(1)] *502* of this part is not subject to the funding limitations of this section.

"PART [G] *F*—TRAINING AND MANPOWER DEVELOPMENT

"PURPOSE

"SEC. [701.] *601.* It is the purpose of this part to provide for and encourage training, manpower development, and new personnel practices for the purpose of improving the criminal justice system.

"TRAINING FOR PROSECUTING ATTORNEYS

"SEC. [702.] *602.* (a) The [Adminstration] *Office* is authorized to establish and support a training program for prosecuting attorneys from State and local agencies engaged in the prosecution of white-collar and organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against white-collar and organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel may be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703 of title 5, United States Code, for persons employed intermittently in the Government Service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the [Administration] *Office* for the purpose of such training.

"TRAINING STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"SEC. [703.] *603.* (a) The [Administration] *Office* is authorized—

"(1) to assist in conducting local, regional, or national training programs for the training of State and local criminal justice

personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution, defense, or adjudication of those charged with crime, corrections, rehabilitation, probation, and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of local government and shall not duplicate the training activities of the Federal Bureau of Investigation. While participating in the training program or traveling in connection with participation in the training program, State and local personnel may be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service;

"(2) to carry out a program of planning, development, demonstration, and evaluation of training programs for State and local criminal justice personnel;

"(3) to assist in conducting programs relating to recruitment, selection, placement, and career development practices of State and local law enforcement and criminal justice personnel, and to assist State and local governments in planning manpower programs for criminal justice; and

"(4) to carry out a program of planning, development, demonstration, and evaluation of recruitment, selection, and placement practices:

"(b)(1) The amount of a grant or contract under this section may be up to 100 per centum of the total cost of a program, but the total financial support may not exceed 80 per centum of the total operating budget of any funded institutions or programs.

"(2) Institutions funded under this section shall assure that to the maximum extent feasible efforts shall be made to increase the non-Federal share of the total operating budgets of such institutions or programs with the objective of becoming self-sustaining.

"(3) To the greatest extent possible funds appropriated for the purposes of this section shall not be utilized to provide per diem or subsistence for State and local officials receiving such training.

"FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

"(SEC. [704.] *604.* (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel:

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

"(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Such training shall be provided only for persons actually employed

as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

"CRIMINAL JUSTICE EDUCATION PROGRAM

"SEC. [705.] *605.* (a) Pursuant to the provisions of subsections (b) and (c), the [Administration] *Office* is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen criminal justice.

"(b) The [Administration] *Office* is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding $2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the [Administration] *Office* and leading to degrees or certificates in areas directly related to criminal justice or suitable for persons employed in criminal justice, with special consideration to police or correctional personnel of States or units of local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the [Administration] *Office* and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a criminal justice agency at the rate of 25 per centum of the total amount of such loan plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the [Administration.] *Office.*

"(c) The [Administration] *Office* is authorized to enter into contracts to make and to make payments to institutions of higher education for tuition, books, and fees, not exceeding $250 per academic quarter or $400 per semester for any person, for officers of any publicly funded criminal justice agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the [Administration] *Office* and which leads to a degree or certificate in an area related to criminal justice or an area suitable for persons employed in criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of a criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the [Administration] *Office* may prescribe.

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to criminal justice or suitable for persons employed in criminal justice, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to re-

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ceive assistance under subsections (b) and (c) as determined under regulations of the [Administration.] *office.*

"(e) The [Administration] *office* is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of criminal justice education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice, and for law enforcement related courses in public schools;

"(2) education and training of faculty members;

"(3) strengthening the criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums. The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

"(f) The [Administration] *office* is authorized to enter into contracts to make and to make payments to institutions of higher education for grants not exceeding $65 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

"PART [H] *G*—ADMINISTRATIVE PROVISIONS

"ESTABLISHMENT OF OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

[SEC. 801. (a) There is established within the Department of Justice, under the general authority and policy control of the Attorney General, an Office of Justice Assistance, Research, and Statistics. The chief officer of the Office of Justice Assistance, Research, and Statistics shall be a Director appointed by the President by and with the advice and consent of the Senate.

[(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration.]

"*ASSISTANT ATTORNEY GENERAL FOR JUSTICE ASSISTANCE*

"*SEC. 701. (a) There is hereby authorized within the Department of Justice an Assistant Attorney General for Justice Assistance who shall be appointed by the President by and with the advice and consent of the Senate.*

"*(b) The Assistant Attorney General shall provide staff and services support from the Department of Justice for the Office of Justice Assistance, National Institute of Justice, Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention.*

"(c) *Nothing in this section shall be construed as limiting the policy-setting, grantmaking and management authority of the Director of the Office of Justice Assistance, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics or the Administrator of the Office of Juvenile Justice and Delinquency Prevention.*

"CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

"SEC. [802.] *7020* (a) [The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration,] *The Office of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention*, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purpose of this title.

"(b) The [Law Enforcement Assistance Administration] *Office of Justice Assistance* shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention, [State] and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to [parts D, E, and F.] *parts D and E*, in order to determine—

"(1) whether such programs or projects have achieved the performance goals stated in the original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal justice system;

"(2) whether such programs or projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime;

"(3) their cost in relation to their effectiveness in achieving stated goals;

"(4) their impact on communities and participants; and

"(5) their implication for related programs.

[Evaluations shall be in addition to the requirements of sections 403 and 404.] In conducting the evaluations [called for by] *described in* this subsection, the [Law Enforcement Assistance Administration] *Office of Justice Assistance* shall, when practical compare the effectiveness of programs conducted by similar applicants and different applicants, and shall compare the effectiveness of programs or projects conducted by [States] and units of local government pursuant to part D of this title with similar programs carried out pursuant to parts E and F. The law Enforcement Assistance Administration shall also require applicants under part D to submit an annual performance report concerning activities carried out pursuant to part D together with an assessment by the applicant of the effectiveness of those activities in achieving the objectives of section 401 of this title and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pursuant to section 403 of this title.]

The [administration] *Office of Justice Assistance* shall suspend funding for an approved application under part D if an applicant fails to submit such an annual performance report.

"(c) The procedures established to implement the provisions of this title shall minimize paperwork and prevent needless duplication and unnecessary delays in award and expenditure of funds at all levels of government.

"NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

"SEC. [803.] *703.* (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, *the Office of Juvenile Justice and Delinquency Prevention*, the National Institute of Justice, the Bureau of Justice Statistics, or the [Law Enforcement Assistance Administration] *Office of Justice Assistance* finds that a recipient of their respective assistance under this title has failed to comply substantially with—

"(1) any provision of this title;

"(2) any regulations or guidelines promulgated under this title; or

"(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

they, until satisfied that there is no longer any such failure to comply, shall—

"(A) terminate payments to the recipient under this title;

"(B) reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title; or

"(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(b) If a [State] grant application filed under part D or any grant application filed under any other part of this title has been rejected or a [State] applicant under part D or an applicant under any other part of this title has been denied a grant or has had a grant, or any portion of a grant, discontinued, terminated or has been given a grant in a lesser amount that such applicant believes appropriate under the provisions of this title, the National Institute of Justice, the Bureau of Justice Statistics, *the Office of Juvenile Justice and Delinquency Prevention* or the [Law Enforcement Assistance Administration,] *Office of Justice Assistance*, as appropriate, shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever such an applicant or grantee requests a hearing, the National Institute of Justice, the Bureau of Justice Statistics, the [Law Enforcement Assistance Administration,] *Office of Justice Assistance*, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such recipient is dissatisfied with the findings and determinations of the [Law Enforcement Assistance Administration,] *Office of Justice Assistance*, the Bureau of Justice Statistics, [or the National Institute of Justice, following notice and hearing provided for in subsection (a), a request may be made for rehearing, under such regulations and procedures as [such Administration,] *the Office of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention*, Bureau, or Institute, as the case may be, may establish, and such recipient shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

"FINALITY OF DETERMINATIONS

"SEC. [804.] *704.* In carrying out the functions vested by this title in the [Law Enforcement Assistance Administration,] *Office of Justice Assistance* the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all applications, except as otherwise provided herein.

"APPELLATE COURT REVIEW

"SEC. [805.] *705.* (a) If any applicant or recipient is dissatisfied with a final action with respect to [section 803, 804, or 815(c)(2)(G)] *section 703, 704, or 715 (c)(2)(G)* of this part, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the [Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration,] *Office of Justice Assistance* the Bureau of Justice Statistics, *the Office of Juvenile Justice and Delinquency Prevention*, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The [Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration,] *Office of Justice Assistance* the Bureau of Justice Statistics, *the Office of Juvenile Justice and Delinquency Prevention*, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28, United States Code. No objection to the action shall be considered by the court unless such objection has been urged before the [Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration,] *Office of Justice Assistance* the Bureau of Statistics, *Office of Juvenile Justice and Delinquency Prevention*, or the National Institute of Justice, as appropriate.

"(b) The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the [Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration,] *Office of Justice Assistance*

the Bureau of Justice Statistics, *the Office of Juvenile Justice and Delinquency Prevention* or the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the [Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration,] *Office of Justice Assistance* the National Institute of Justice, *the Office of Juvenile Justice and Delinquency Prevention*, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The [Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration,] *Office of Justice Assistance* the Bureau of Justice Statistics, *the Office of Juvenile Justice and Delinquency Prevention*, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the [Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration,] *Office of Justice Assistance* the Bureau of Justice Statistics, *Office of Juvenile Justice and Delinquency Prevention*, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28, United States Code.

"DELEGATION OF FUNCTIONS

"SEC. [806.] *706.* The Attorney General, [the Office of Justice Assistance, Research, and Statistics,] the National Institute of Justice, the Bureau of Justice Statistics, [and the Law Enforcement Assistance Administration] *the Office of Juvenile Justice and Delinquency Prevention, and the Office of Justice Assistance* may delegate to any of their respective officers or employees such functions as they deem appropriate.

"SUBPENA POWER; AUTHORITY TO HOLD HEARINGS

"SEC. [807.] *707.* In carrying out their functions, [the Office of Justice Assistance, Research, and Statistics,] the National Institute of Justice, the Bureau of Justice Statistics, [and the Law Enforcement Assistance Administration,] *the Office of Juvenile Justice and Delinquency Prevention, and the Office of Justice Assistance*, and upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States they may designate.

[“COMPENSATION OF DIRECTOR OF OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

[“SEC. 808. Section 5314 of title 5, United States Code, is amended—
[“(1) by adding at the end thereof—
[“ ‘Director, Office of Justice Assistance, Research, and Statistics.’ and
[“(2) by striking out—
[“ ‘Administrator of Law Enforcement Assistance.’.]

[“COMPENSATION OF OTHER FEDERAL OFFICERS

[“SEC. 809. Section 5315 of title 5, United States Code, is amended—
[“(1) by striking out—
[“ ‘Deputy Administrator for Police Development of the Law Enforcement Assistance Administration.’ and
[“ ‘Deputy Administrator for Administration of the Law Enforcement Assistance Administration.’; and
[“(2) by adding at the end the following:
[“ ‘Administrator of Law Enforcement Assistance.
[“ ‘Director of the National Institute of Justice.
[“ ‘Director of the Bureau of Justice Statistics.’.]

“EMPLOYMENT OF HEARING OFFICERS

“SEC. [810.] *708.* The [Office of Justice Assistance, Research, and Statistics, the] National Institute of Justice, the Bureau of Justice Statistics, [and the Law Enforcement Assistance Administration] *the Office of Juvenile Justice and Delinquency Prevention, and the Office of Justice Assistance* may appoint such officers and employees as shall be necessary to carry out their powers and duties under this title and may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out their powers and duties under this title.

“AUTHORITY TO USE AVAILABLE SERVICES

“SEC. [811.] *709.* The [Office of Justice Assistance, Research, and Statistics, the] National Institute of Justice, the Bureau of Justice Statistics, and [the Law Enforcement Assistance Administration] *the Office of Juvenile Justice and Delinquency Prevention, and the Office of Justice Assistance* are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

“CONSULTATION WITH OTHER FEDERAL, STATE, AND LOCAL OFFICIALS

“SEC. [812.] *710.* In carrying out the provisions of this title, including the issuance of regulations, the Attorney General, the [Director

of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration,] *Director of the Office of Justice Assistance, the Administrator of the Office of Juvenile Justice and Delinquency Prevention*, and the Directors of the National Institute of Justice and the Bureau of Justice Statistics shall consult with other Federal departments and agencies and State and local officials.

"REIMBURSEMENT AUTHORITY

"SEC. [813.] *711.* (a) The [Office of Justice Assistance. Research, and Statistics,] *Office of Juvenile Justice and Delinquency Prevention*, the National Institute of Justice, the Bureau of Justice Statistics, and the [Law Enforcement Assistance Administration] *Office of Justice Assistance*, may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of their functions under this title.

"(b) The National Institute of Justice, the Bureau of Justice Statistics, the [Law Enforcement Assistance Administration,] *Office of Justice Assistance*, and the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention*, in carrying out their respective functions may use grants, contracts, or cooperative agreements in accordance with the standards established in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.).

"SERVICE OF EXPERTS CONSULTANTS; ADVISORY COMMITTEES

"SEC. [814.] *712.* (a) The [Office of Justice Assistance, Research, and Statistics.] *Office of Juvenile Justice and Delinquency Prevention*, the National Institute of Justice, the Bureau of Justice Statistics, and the [Law Enforcement Assistance Administration] *Office of Justice Assistance*, may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate then payable for GS–18 by section 5332 of title 5, United States Code.

"(b) The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized to appoint, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, technical or other advisory committees to advise them with respect to the administration of this title as they deem necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising them or attending meetings of the committees, shall be compensated at rates to be fixed by the Offices but not to exceed the daily equivalent of the rate then payable for GS–18 by section 5332 of title 5, United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"(c) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the

[Administration,] *Office of Justice Assistance* and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the joint resolution entitled 'Joint resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551).

"PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES

"SEC. [815.] *713.* (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

"(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics, [or the Law Enforcement Assistance Administration] *the Office of Juvenile Justice and Delinquency Prevention, or the Office of Justice Assistance*—

"(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

"(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

"(c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

"(2)(A) Whenever there has been—

"(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency, to the effect that there has been a pattern or practice of discrimination in violation of paragraph (1); or

"(ii) a determination after an investigation by the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, or the Office of Justice Assistance* (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination with respect to such program or activity, with funds made available under this title) that a State government or unit of local government is not in compliance with paragraph (1);

the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, or the Office of Justice*

Assistance shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of local government is located, and the chief executive of such unit of local government, that such program or activity has been so found or determined not to be in compliance with paragraph (1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of clause (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code.

"(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of local government), and by the [Office of Justice Assistance, Research, and Statistics.] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, of the Office of Justice Assistance.* On or prior to the effective date of the agreement, the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, or the Office of Justice Assistance* shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of local government) shall file semiannual reports with the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, of the Office of Justice Assistance* detailing the steps taken to comply with the agreement. These reports shall cease to be filed upon the determination of the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, of the Office of Justice Assistance* that compliance has been secured, or upon the determination by a Federal or State court that such State government or local governmental unit is in compliance with this section. Within fifteen days of receipt of such reports, the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, of the Office of Justice Assistance* shall send a copy thereof to each such complainant.

"(C) If, at the conclusion of ninety days after notification under subparagraph (A)—

"(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of local government; and

"(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of*

Justice, the Bureau of Justice Statistics, of the Office of Justice Assistance shall notify the Attorney General that compliance has not been secured and caused to have suspended further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, of the Office of Justice Assistance* in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G), not more than thirty days after the conclusion of such hearing, unless there has been an express finding by the [Office of Justice Assistance, Research, and Statistics,] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, of the Office of Justice Assistance* after notice and opportunity for such a hearing, that the recipient is not in compliance with paragraph (1).

"(D) Payment of the suspended funds shall resume only if—

"(i) such State government or unit of local government enters into a compliance agreement approved by the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, of the Office of Justice Assistance* and the Attorney General in accordance with subparagraph (B),

"(ii) such State government or unit of local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, of the Office of Justice Assistance* in the notice pursuant to subparagraph (A), or is found to be in compliance with paragraph (1) by such court; or

"(iii) after a hearing the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Bureau of Justice Statistics, or the Office of Justice Assistance* pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

"(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after such filing has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Bureau of Justice Statistics, or the Offie of Justice*

Assistance shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

"(F) Prior to the suspension of funds under subparagraph (C), but within the ninety-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing on the record in accordance with section 554 of title 5, United States Code, in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (G).

"(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), a State government or unit of local government may request a hearing on the record in accordance with section 554 of title 5, United States Code, which the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Bureau of Justice Statistics, or the Office of Justice Assistance* shall initiate within sixty days of such request.

"(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Bureau of Justice Statistics, or the Office of Justice Assistance* shall make a finding of compliance or noncompliance. If the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Bureau of Justice Statistics, or the Office of Justice Assistance* makes a finding of noncompliance, the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Bureau of Justice Statistics, or the Office of Justice Assistance* shall notify the Attorney General in order that the Attorney General may institute a civil action under paragraph (3), cause to have terminated the payment of funds under this title, and, if appropriate, seek repayment of such funds.

"(iii) If the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Bureau of Justice Statistics, or the Office of Justice Assistance* makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

"(H) Any State government or unit of local government aggrieved by a final determination of the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Bureau of Justice Statistics,*

BEST DOCUMENT AVAILABLE

or the Office of Justice Assistance under subparagraph (G) may appeal such determination as provided in section 805 of this title.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the right described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

"(4)(A) Whenever a State government or unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this subsection, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date the administrative complaint was filed with the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, or the Office of Justice Assistance* or any other administrative enforcement agency, unless within such period there has been a determination by the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, or the Office of Justice Assistance* or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

"(B) In any civil action brought by a private person to enforce compliance with any provision of this subsection, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

"(C) In any action instituted under this section to enforce compliance with paragraph (1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

[

"REPORT TO PRESIDENT AND CONGRESS

[

"SEC. 816. (a) On or before March 31 of each year, the Administrator of the Law Enforcement Assistance Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to parts D, E, F, and G during the preceding fiscal year. Such report shall include—

[

"(1) a description of the progress made in accomplishing the objectives of such parts;

[“(2) a description of the national priority programs and projects established pursuant to part E;

[“(3) the amounts obligated under parts D, E, and F for each of the components of the criminal justice system;

[“(4) the nature and number of jurisdictions which expended funds under part D on national priority programs or projects established pursuant to part E, and the percentage of part D funds expended by such jurisdictions on such programs or projects;

[“(5) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

[“(6) a description of the procedures used to audit, monitor, and evaluate programs or projects to insure that all recipients have complied with the title and that the information contained in the applications was correct;

[“(7) the number of part D applications or amendments approved by the Administration without recommending substantial changes;

“[(8) the number of part D applications or amendments in which the Administration recommended substantial changes, and the disposition of such programs or projects;

[“(9) the number of programs or projects under part D applications or amendments with respect to which a discontinuation, suspension, or termination of payments occurred together with the reasons for such discontinuation, suspension, or termination;

[“(10) the number of programs or projects under part D applications or amendments which were subsequently discontinued by the jurisdiction following the termination of funding under this title; and

[“(11) a description of equipment whose cost in the aggregate was $100,000 or more that was purchased in connection with each program or project assisted under part D, and the current use status of such equipment.

[“(b) Not later than three years after the date of enactment of the Justice System Improvement Act of 1979, the Administrator of the Law Enforcement Assistance Administration, after consultation with the Director of the National Institute of Justice, the Director of the Bureau of Statistics, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention, with respect to the receipt and compilation of evaluations, statistics, and performance reports required by this title, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report. The report shall set forth comprehensive statistics which, together with the Administrator's analysis and findings, shall indicate whether grants made to States or units of local government under parts D, E, and F have made a reasonably expected contribution toward—

[“(1) improving and strengthening law enforcement agencies, as measured by arrest rates, incidence rates, victimization rates, the number of reported crimes, clearance rates, the number of

patrol or investigative hours per uniformed officer, or any other appropriate objective measure;

["(2) improving the police utilization of community resources through support of joint police-community projects designed to prevent or control neighborhood crime;

["(3) disrupting illicit commerce in stolen goods and property;

["(4) combating arson;

["(5) developing investigations and prosecutions of white-collar crime, organized crime, public-corruption-related offenses, and fraud against the government;

["(6) reducing the time between arest or indictment and disposition of trial;

["(7) increasing the use and development of alternatives to the prosecution of selected offenders;

["(8) increasing the development and use of alternatives to pretrial detention that assure return to court and a minimization of the risk of danger;

["(9) increasing the rate at which prosecutors obtain convictions against habitual, nonstatus offenders;

["(10) developing and implementing programs which provide assistance to victims and witnesses, including restitution by the offender, programs encouraging victim and witness participation in the criminal justice system, and programs designed to prevent retribution against or intimidation of witnesses by persons charged with or convicted of crimes;

["(11) providing competent defense counsel for indigent and eligible low-income persons accused of criminal offenses;

["(12) developing projects to identify and meet the needs of drug dependent offenders;

["(13) increasing the availability and use of alternatives to maximum-security confinement of convicted offenders who pose no threat to public safety;

["(14) reducing the rates of violence among inmates in places of detention and confinement;

["(15) improving conditions of detention and confinement in adult and juvenile correctional institutions, as measured by the number of such institutions administering programs meeting accepted standards;

["(16) training criminal justice personnel in programs meeting standards recognized by the Administrator;

["(17) revision and recodification by States and units of local government of criminal statutes, rules, and procedures and revision of statutes, rules, and regulations governing State and local criminal justice agencies; and

["(18) developing statistical and evaluative systems in States and units of local government which assist the measurement of indicators in each of the areas described in paragraphs (1) through (17).

Such report shall identify separately, to the maximum practicable extent, such contribution according to the parts of this title under which such grants are authorized and made.

["(c) Not later than two hundred and seventy days after the date of enactment of the Justice System Improvement Act of 1979, the Ad-

ministrator of the Law Enforcement Assistance Administration shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a plan for the collection, analysis, and evaluation of any data relevant to measure, as objectively as is practicable, progress in each of the areas described in subsection (b). In developing such plan, the Administrator of the Law Enforcement Assistance Administration shall consult with the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Committees on the Judiciary of the Senate and the House of Representatives. After such consultation and at any time prior to the submission of such plan as required by this subsection, the Administrator may recommend to such committees reporting areas in addition to those described in subsection (b). Such plans shall include the Administrator's recommended definitions of the terms 'comprehensive statistics' and 'reasonably expected contribution' as used in subsection (b), which take into account the total amount of funds available for distribution to States and units of local government under parts D, E, and F, as compared to the total amount of funds available for expenditure by States and units of local government for criminal justice purposes. Such plan shall be used by the Administrator in preparing the report required by subsection (b).

[''(d) The report required by subsection (b) shall address whether a reasonably expected contribution has been attained in the areas described in subsection (b) and any area added by the Administrator under subsection (c).

[''(e) To the maximum extent feasible, the Administrator shall minimize duplication in data collection requirements imposed on grantee agencies by this section.]

"*REPORT TO PRESIDENT AND CONGRESS*

"*SEC. 714. Not later than April 1 of each year, the Director of the Office of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice shall each submit a report to the President and to the Congress, on their activities under this title during the preceding fiscal year.*".

"RECORDKEEPING REQUIREMENT

"SEC. [817.] *715.* (a) Each recipient of funds under this title shall keep such records as the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance* shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National*

Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this title which in the opinion of the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance* may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(c) The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(d) Within one hundred and twenty days after the enactment of this subsection, the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance* shall review existing civil rights regulations and conform them to this title. Such regulations shall include—

"(1) reasonable and specific time limits for the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance* to respond to the filing of a complaint by any person alleging that a State government or unit of local government is in violation of the provisions of section 815(c) of this title, including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint; and

"(2) reasonable and specific time limits for the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance* to conduct independent audits and reviews of State governments and units of local government receiving funds pursuant to this title for compliance with the provisions of section 815(c) of this title.

"(e) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant, cooperative agreement, or contract under this title or by subgrant or subcontract from primary grantees or contractors under this title.

"(f) There is hereby established within the Law Enforcement Assistance Administration a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such goods and property. Notwithstanding any other provision of law, any income or royalties generated from such projects together with income generated from any sale or use of such goods or property, where such goods or property are not claimed by their lawful owner, shall be paid into the revolving fund.

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Where a party establishes a legal right to such goods or property, the Administrator of the fund may in his discretion assert a claim against the property or goods in the amount of Federal funds used to purchase such goods or property. Proceeds from such claims shall be paid into the revolving fund. The Administrator is authorized to make disbursements by appropriate means, including grants, from the fund for the purpose of this section.

"CONFIDENTIALITY OF INFORMATION

"SEC. [818.] *716.* (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

"(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance* shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

"(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the [Office of Justice Assistance, Research, and Statistics] *Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance* and which are written to assure that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

"(d) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.

"AUTHORITY TO ACCEPT VOLUNTARY SERVICE

"SEC. [819.] *717.* The [Office of Justice Assistance, Research, and Statistics,] *Office of Juvenile Justice and Delinquency Prevention*, the National Institute of Justice, the Bureau of Justice Statistics, and the [Law Enforcement Assistance Administration] *Office of Justice Assistance* are authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)). Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

"ADMINISTRATION OF JUVENILE DELINQUENCY PROGRAMS

"SEC. [820.] *718.* (a) All programs concerned with juvenile delinquency and administered by the [Administration] *Office of Justice Assistance* shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

"(b) The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the Office of Juvenile Justice and Delinquency Prevention in developing and implementing programs in the juvenile justice and delinquency prevention field.

"PROHIBITION ON LAND ACQUISITION

"SEC. [821.] *719.* No funds under this title shall be used for land acquisition.

"PROHIBITION ON USE OF CIA SERVICES

"SEC. [822.] *720.* Notwithstanding any other provision of this title, no use will be made of services, facilities, or personnel of the Central Intelligence Agency.

"INDIAN LIABILITY WAIVER

"SEC. [823.] *721.* Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the [Administration] *Office of Justice Assistance* is authorized to waive State liability and may pursue such legal remedies as are necessary.

"DISTRICT OF COLUMBIA MATCHING FUND SOURCE

"SEC. [824.] *722.* Funds appropriated by the Congress for the activities of any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title.

"LIMITATION ON CIVIL JUSTICE MATTERS

"SEC. [825.] *723.* Authority of any entity established under this title shall extend to civil justice matters only to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

"REIMBURSEMENT FOR UNUSED EQUIPMENT

"SEC. [826.] *724.* The [Law Enforcement Assistance Administration] *Office of Justice Assistance* may require a State [council], a grantee, or other recipient of assistance under this title to reimburse the Administration for the federally assisted part of the cost of any equipment whose purchase was in connection with a program or project assisted by such Administration under this title and which cost in the aggregate $100,000, or more, if such equipment has not been placed in use one year after the date set at the time of purchase for the commencement of such use, or has not continued in use during its useful life. In lieu of requiring reimbursement under this section, such Administration may require that the State [council], a grantee, or other recipient of assistance under this title take appropriate measures to put such equipment into use.

[''PRISON INDUSTRY ENHANCEMENT

[''SEC. 827. (a) Section 1761 of title 18, United States Code, is amended by adding thereto a new subsection (c) as follows—

[" '(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program of not more than seven pilot projects designated by the Administrator of the Law Enforcement Assistance Administration and who—

[" '(1) have, in connection with such work, received wages at a rate which is not less tthan that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

[" '(A) taxes (Federal, State, local);

[" '(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer;

[" '(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

[" '(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

[" '(2) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any

payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary;

[" '(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.'.

[" (b) The first section of the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, is amended by adding to the end of subsection (d) thereof, before '; and', the following: ', except that this section, or any other law or Executive order containing similar prohibitions against purchase of goods by the Federal Government, shall not apply to convict labor which satisfies the conditions of section 1761(c) of title 18, United States Code'.

[" (c) The provisions of this section creating exemptions to Federal restrictions on marketability of prison made goods shall not apply unless—

[" (1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project qualifying of any exemption created by this section; and

[" (2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contratcs for services.]

"*REPAYMENT*

"*SEC. 725. (a) If Federal financial assistance provided under this part is used by the recipient of such assistance for any purpose other than the purpose for which it is provided, then such recipient shall promptly repay to the United States an amount equal to the value of such assistance.*

"*(b) The Director shall bring a civil action in an appropriate United States district court to recover any amount required to be repaid under subsection (a).*".

"PART [I] *H*—DEFINITIONS

"DEFINITIONS

"SEC. [901.] *801.* (a) As used in this title—

"(1) 'criminal justice' means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilita-

tion, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

"(3) 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia;

"(4) 'construction' means the erection, acquisition, renovation, *repairs, remodeling*, or expansion of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor, [but does not include renovation, repairs, or remodeling];

"(5) 'combination' as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a criminal justice program or project;

"(6) 'public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

"(7) 'correctional institution or facility means any place for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses;

"(8) 'comprehensive', with respect to an application, means that the application must be based on a total and integrated analysis of the criminal justice problems, and that goals, priorities, and standards for methods, organization, and operation performance must be established in the application;

"(9) 'criminal history information' includes records and related data, contained in an automated or manual criminal justice informational system, compiled by law enforcement agencies for the purposes of identifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

"(10) 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

"(11) 'neighborhood or community-based organizations' means organizations which are representative of communities or significant segments of communities;

"(12) 'chief executive' means the highest official of a State or local jurisdiction;

"(13) 'municipality' means—

"(A) any unit of local government which is classified as a municipality by the United States Bureau of the Census; or

"(B) any other unit of local government which is a town or township and which, in the determination of the [Administration] *Office of Justice Assistance*—

"(i) possesses powers and performs functions comparable to those associated with municipalities;

"(ii) is closely settled; and

"(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census;

"(14) 'population' means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

"(15) 'Attorney General' means the Attorney General of the United States or his designee;

"(16) 'court of last resort' means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judical branch and rulemakng authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean the highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term 'court of last resort' the term 'court' means a tribunal recognized as a part of the judicial branch of a State or of its local government units;

"(17) 'institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the [Administration] *Office of Justice Assistance* may determine to be appropriate;

"(18) 'white-collar crime' means an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage;

"(19) 'proven effectiveness' means that a program, project, approach, or practice has been shown by analysis of performance and results to make a significant contribution to the accomplishment of the objectives for which it was undertaken or to have a significant effect in improving the condition or problem it was undertaken to address;

"(20) 'record of proven success' means that a program, project, approach, or practice has been demonstrated by evaluation or by analysis of performance data and information to be successful in a number of jurisdictions or over a period of time in contributing to the accomplishment of objectives or to improving conditions identified with the problem, to which it is addressed; and

BEST DOCUMENT AVAILABLE

"(21) 'high probability of improving the criminal justice system' means that a prudent assessment of the concepts and implementation plans included in a proposed program, project, approach, or practice, together with an assessment of the problem to which it is addressed and of data and information bearing on the problem, concept, and implementation plan, provides strong evidence that the proposed activities would result in identifiable improvements in the criminal justice system if implemented as proposed[.]*; and*

"*(22) 'public and nonprofit organization' includes youth serving agencies.*".

"(b) Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The [Administration] *Office of Justice Assistance* may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

"(c) One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of local government to undertake a program or project in whole or in part.

[PART J—FUNDING

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 1001. There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics $25,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; $25,000,000 for the fiscal year ending September 30, 1982; and $25,000,000 for the fiscal year ending September 30, 1983. There is authorized to be appropriated to carry out the functions of the National Institute of Justice $25,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; $25,000,000 for the fiscal year ending September 30, 1982; and $25,000,000 for the fiscal year ending September 30, 1983. There is authorized to be tppropriated for parts D, E, F, G, H, and J, and for the purposes of carrying out the remaining functions of the Law Enforcement Assistance Administration, other than part L, $750,000,000 for the fiscal year ending September 30, 1980; $750,000,000 for the fiscal year ending September 30, 1981; $750,000,000 for the fiscal year ending September 30, 1982; and $750,000,000 for the fiscal year ending September 30, 1983. Funds appropriated for any fiscal year may remain available for obligation until expended. There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part L.

[MAINTENANCE OF EFFORT

[SEC. 1002. In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of

1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under this title, for juvenile delinquency programs, with primary emphasis on programs for juveniles convicted of criminal offenses or adjudicated delinquent on the basis of an act which would be a criminal offense if committed by an adult.

[''AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF ANTI-CRIME PROGRAMS

[''SEC. 1003. There are authorized to be appropriated for the purposes of carrying out the functions of the Office of Community Anti-Crime Programs $25,000,000 for the fiscal year ending September 30, 1980; $25,000,000 for the fiscal year ending September 30, 1981; $25,000,000 for the fiscal year ending September 30, 1982; and $25,000,000 for the fiscal year ending September 30, 1983.]

''*PART I—FUNDING*

''FUNDING

''*SEC. 901. (a) There is authorized to be appropriated to carry out the function of the National Institute of Justice $25,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.*

''*(b) There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics $25,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.*

''*(c) There is authorized to be appropriated for part D $20,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.*

''*(d) There is authorized to be appropriated for part E $20,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.*

''*(e) There is authorized to be appropriated for part F and the educational and training functions of parts D and E $10,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.*

''*(f) There is authorized to be appropriated for purposes of administering parts D, E, F, G, and H $5,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.*

''*(g) There is authorized to be appropriated $20,000,000 for part M for emergency assistance for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.*''.

''PART [K] *U*—CRIMINAL PENALTIES

''SEC. [1101.] *1001.* Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this

title, whether received directly or indirectly from the [Law Enforcement Assistance Administration,] *Office of Justice Assistance*, the National Institute of Justice, the Bureau of Justice Statistics, or whoever receives, conceals, or retains such funds, assets or property with intent to convert such funds, assets or property to his use or gain, knowing such funds, assets, or property has been embezzled, willfully misapplied, stolen or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"FALSIFICATION OR CONCEALMENT OF FACTS

"SEC. [1102.] *1002.* Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"CONSPIRACY TO COMMIT OFFENSE AGAINST THE UNITED STATES

"SEC. [1103.] *1003.* Any law enforcement or criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the [Law Enforcement Assistance Administration,] *Office of Justice Assistance*, the National Institute of Justice, or the Bureau of Justice Statistics shall be subject to the provisions of section 371 of title 18, United States Code.

"PART [L] *K*—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"PAYMENTS

"SEC. [1201.] *1101.* (a) In any case in which the [Administration] *Office of Justice Assistance* determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the [Administration] *Office of Justice Assistance* shall pay a benefit of $50,000 as follows:

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the [Administration] *Office of Justice Assistance* determines upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the [Administration] *Office of Justice Assistance* may make an interim benefit payment not exceeding $3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) shall be liable for repayment of such amount. The [Administration] *Office of Justice Assistance* may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 191 of title 5, United States Code; or

"(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4–531(1)).

"(f) No benefit paid under this part shall be subject to execution or attachment.

"LIMITATIONS

"SEC. [1202.] *1102.* No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

"(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the pubilc safety officer.

"DEFINITIONS

"SEC. [1203.] *1103.* As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

"(i) eighteen years of age or under;

"(ii) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

"(iii) over eighteen years of age and incapable of self-support because of physical or mental disability;

"(2) 'dependent' means a person who was substantially reliant for support upon the income of the deceased public safety officer;

"(3) 'fireman includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(5) 'law enforcement officer' means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers;

"(6) 'public agency' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the

Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, combination of such States, or units, or any department, agency, or instrumentality of any of the foregoing; and

"(7) 'public safety officer' means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman.

"ADMINISTRATIVE PROVISIONS

"SEC. [1204.] *1104.* (a) The [Administration] *Office of Justice Assistance* is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Administration. The [Administration] *Office of Justice Assistance* may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the [Administration], *Office of Justice Assistance* and any agreement in violation of such rules and regulations shall be void.

"(b) In making determinations under section 1201, the [Administration] *Office of Justice Assistance* may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the [Administration] *Office of Justice Assistance.*

"PART [M]—TRANSITION—EFFECTIVE DATE—REPEALER

"CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

"SEC. [1301.] *1201.* (a) All orders, determinations, rules, regulations, and instructions of the [Law Enforcement Assistance Administration] *Office of Justice Assistance* which are in effect on the date of the enactment of the Justice System Improvement Act of 1979 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, the [Office of Justice Assistance, Research, and Statistics or the] Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the [Law Enforcement Assistance Administration] *the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or the Director of the Office of Justice Assistance* with respect to their functions under this title or by operation of law.

"(b) The Director of the National Institute of Justice may award new grants, enter into new contracts or cooperative agreements, or otherwise obligate previously appropriated unused or reversionary funds for the continuation of research and development projects in accordance with the provisions of this title as in effect on the day before the date of the enactment of the Justice System Improvement

Act of 1979, based upon applications received under this title before the date of the enactment of such Act or for purposes consistent with provisions of this title.

"(c) The Director of the Bureau of Justice Statistics may award new grants, enter into new contracts or cooperative agreements or otherwise obligate funds appropriated for fiscal years before 1980 for statistical projects to be expended in accordance with the provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, based upon applications received under this title before the date of the enactment of such Act or for purposes consistent with provisions of this title.

"(d) The Administrator of the Law Enforcement Assistance Administration may award new grants, enter into new contracts or cooperative agreements, approve comprehensive plans for the fiscal year beginning October 1, 1979, and otherwise obligate previously appropriated unused or reversionary funds or funds appropriated for the fiscal year beginning October 1, 1979, for the continuation of projects in accordance with the provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979 or for purposes consistent with provisions of this title.

"(e) The amendments made to this title by the Justice System Improvement Act of 1979 shall not affect any suit, action, or other proceeding commenced by or against the Government before the date of the enactment of such Act.

"(f) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, which continue in operation beyond the date of the enactment of such Act may be carried out with funds appropriated for purposes of this title.

"(g) Except as otherwise provided in this title, the personnel employed on the date of enactment of the Justice System Improvement Act of 1979 by the Law Enforcement Assistance Administration are transferred as appropriate to the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice or the Bureau of Justice Statistics, considering the function to be performed by these organizational units and the functions previously performed by the employee. Determinations as to specific positions to be filled in an acting capacity for a period of not more than ninety days by the Administrator and Deputy Administrators employed on the date of enactment of the Justice System Improvement Act of 1979 may be made by the Attorney General notwithstanding any other provision of law.

"(h) Any funds made available under parts B, C, and E of this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, which are not obligated by a State or unit of local government, may be used to provide up to 100 per centum of the cost of any program or project.

"(i) Notwithstanding any other provision of this title, all provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, which are necessary to carry out the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, remain in effect for the sole purpose of carrying out the Juvenile Justice and Delinquency Prevention Act of 1974, and the State criminal justice council established under this title shall serve as the State planning agency for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974.

[**"(j) The functions, powers, and duties specified in this title to be carried out by State criminal justice councils or by local offices may be carried out by agencies previously established or designated as State, regional, or local planning agencies, pursuant to this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, if they meet the representation requirement of section 402 of this title within two years of the date of the enactment of the Justice System Improvement Act of 1979.**]

[**"(k)**] **"(j) Notwithstanding the provisions of section 404(c)(3), any construction projects which were funded under this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, and which were budgeted in anticipation of receiving additional Federal funding for such construction may continue for two years to be funded under this title.".**

"*TITLE TO PERSONAL PROPERTY*

"*SEC. 1202. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the appropriate State criminal justice council, or its successor agency, that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State criminal justice council, or its successor agency, which shall seek to have it used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.*

"*PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE*

"*APPLICATION*

"*SEC. 1301. (a) In the event that a crime problem of serious and epidemic proportions exists throughout a State or locality, a State (on behalf of itself or another appropriate unit of government) may submit an application under this section for Federal financial assistance.*

"*(b) An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Director, in a form prescribed by rules issued by the Director. The Director shall, after consultation with the Board of Justice Assistance, and appropriate members of the Federal law enforcement community, approve or disapprove such application. Funds provided under this subsection will be in accordance with selection criteria as established by the Office of Justice Assistance.*

"(c) Federal financial assistance may be provided if such assistance is necessary to provide an adequate response to a crime problem described in subsection (a). In determining whether to approve or disapprove an application for assistance under this section, the Director shall consider—

"(1) the nature and extent of the crime problem throughout a State or in any locality,

"(2) the emergency or extraordinary circumstances which produced the problem,

"(3) the availability of State and local criminal justice resources to resolve the problem,

"(4) the need to avoid unnecessary Federal involvement and intervention in matters primarily of State and local concern, and

"(5) any assistance which the State or other appropriate unit of government has received, or could receive, under any provision of this title.

"DEFINITIONS

"SEC. 1302. For purposes of this part—

"(1) the term 'Federal financial assistance' means funds to provide equipment, training, and personnel,

"(2) the term 'Federal law enforcement community' means the heads of the following departments or agencies:

"(A) the Federal Bureau of Investigation,

"(B) the Drug Enforcement Administration,

"(C) the Criminal Division of the Department of Justice,

"(D) the Internal Revenue Service,

"(E) the Customs Service,

"(F) the Immigration and Naturalization Service,

"(G) the United States Marshals Service,

"(H) the National Park Service,

"(I) the United States Postal Service,

"(J) the Secret Service,

"(K) the Coast Guard,

"(L) the Bureau of Alcohol, Tobacco, and Firearms, and

"(M) other Federal agencies with specific statutory authority to investigate violations of Federal criminal laws, and

"(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

"LIMITATION ON AUTHORITY

"SEC. 1303. (a) Nothing in this part shall be construed to authorize the Director or the Federal law enforcement community to exercise any direction, supervision, or control over any police force or other criminal justice agency of an applicant for Federal financial assistance.

"(b) No funds provided under this part may be used to supplant State or local funds that would otherwise be made available for such purposes.

"(c) Nothing in this part shall be construed to limit any authority to provide emergency assistance otherwise provided by law.

"REPORT TO CONGRESS

"SEC. 1304. Not later than April 1 of each year, the Director shall submit to the President and the Congress a report describing emergency Federal financial assistance provided under this part during the calendar year preceding the date such report is made.

"ISSUANCE OF RULES

"SEC. 1305. The Director, after consultation with the Justice Assistance Board, appropriate members of the Federal law enforcement community, and with State and local officials, shall issue rules to carry out this part.".

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TITLE 18

CRIMES AND CRIMINAL PROCEDURE

PART 1. CRIMES—Continued

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CHAPTER 85—PRISON-MADE GOODS

§ 1761. Transportation or importation

(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program of not more than seven pilot projects designated by the [Administrator of the Law Enforcement Assistance Administration] *Director of the Office of Justice Assistance* and who—

(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

(A) taxes (Federal, State, local);

(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer;

(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

(2) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any pay-

ments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary;

(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.

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TITLE 5

GOVERNMENT ORGANIZATION AND EMPLOYEES

PART III—EMPLOYEES

SUBPART D—PAY AND ALLOWANCES

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§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

* * * * * * *

Chairman, United States International Trade Commission.
Administrator, National Oceanic and Atmospheric Administration.
Associate Attorney General.
Chairman, Federal Mine Safety and Health Review Commission.
Chairman, National Credit Union Administration Board.
Deputy Director of the Office of Personnel Management.
Under Secretary of Agriculture for International Affairs and Commodity Programs.
Director, Institute for Scientific and Technological Cooperation.
[Director, Office of Justice Assistance, Research, and Statistics.]
Under Secretary of Agriculture for Small Community and Rural Development.
Administrator, Maritime Administration.

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§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

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Chairman, Federal Labor Relations Authority.
Inspector General, Department of Labor.
Inspector General, Department of Transportation.
Inspector General, Veterans' Administration.

Deputy Director, Institute for Scientific and Technological Cooperation.

[Administrator of Law Enforcement Assistance.]

Director of the National Institute of Justice.

Director of the Bureau of Justice Statistics.

Chief Counsel for Advisory, Small Business Administration.

Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Director, Office of Justice Assistance.

VIII. SUPPORTING MATERIAL

A. Senate Statements

SENATOR ARLEN SPECTER, APRIL 21, 1982, INTRODUCTORY REMARKS

Mr. President, today I introduce a bill that redesigns and reauthorizes Federal criminal justice assistance to aid State and local law enforcement efforts. As recognized by the Attorney General's Task Force on Violent Crime, and well appreciated by those serving in law enforcement and by the American people, crime is a national problem that gravely threatens this country's welfare.

As Chairman of the Subcommittee of the Senate Committee on the Judiciary with jurisdiction over Federal assistance to State and local government, I have begun hearings into this entire area. I gratefully acknowledge the interest and legislative suggestions already introduced by my colleagues on the Committee on the Judiciary, the distinguished Senators from Kansas (Mr. Dole), Delaware (Mr. Biden), and Alabama (Mr. Heflin). In addition, our colleague from Hawaii (Mr. Matsunaga) has shown his interest in these matters. I look forward to working with each of them and with the distinguished Chairman of the Committee on the Judiciary (Mr. Thurmond) in what I hope will be a bipartisan effort to serve the Nation's vital interest in a renewed and reauthorized criminal justice assistance effort. I am especially gratified that the ranking minority member of the Committee on the Judiciary, the distinguished Senator from Delaware (Mr. Biden) and the distinguished jurist and senior Senator from Alabama (Mr. Heflin) are joining with me as original cosponsors of this measure.

The anticrime proposal I introduce today fully recognizes the predominately State and local nature of law enforcement with express guarantees of their sovereignty and explicit limitation on the Federal authority involved. In addition, the bill envisions only a minimum of administrative and management structure. Indeed, the bill eliminates both the Office of Justice Assistance, Research and Statistics, and the Law Enforcement Assistance Administration.

In their place I call for a streamlined Office of Justice Assistance, and reauthorization of the National Institute of Justice and Bureau of Justice Statistics, to fulfill the Federal Government's proper role in assisting local law enforcement—that of financing research, collecting statistics and funding demonstration projects for promising, innovative approaches to fighting crime. In addition, in light of the inextricable limitations and conflicting demands on the resources of local and State governments, this bill establishes a small fund to assist local communities to implement the acknowledged programs of proven

effectiveness that have been developed over the past decade. The mechanism for delivering this assistance is intended to ensure local commitment and institutionalization of the project by gradually increasing the contribution made by the local community to the program and decreasing that of the Federal Government. I am confident that this will insure the maximum effectiveness of the limited Federal investment.

In addition, this bill creates authority for emergency criminal justice assistance to States and localities faced with a criminal justice disaster. Such authority is sorely needed. Although none of us wish to see such a program invoked, as the Attorney General's Task Force recognized, the Federal Government should have such resources at the ready so as not to lose previous time responding in compelling circumstances such as those recently experienced in Atlanta.

In addition, this bill seeks a new set of solutions to the bureaucratic problems that have plagued OJARS and were, in large part, responsible for the demise of LEAA. I fulfill a request of the Department of Justice for an Assistant Attorney General to provide a spokesperson to the academic communities and a link between the Department and its necessarily insulated assistance, research and statistics efforts. I require each of the assistance offices, the research institute and the statistics bureau to be responsible to interlocking advisory boards and provide for coordination of efforts by making sure the head of each office knows what the other components of this complimentary Federal assistance effort are doing.

In seeking to realize every economy and maximize the effectiveness of the Federal participation in its proper asistance role I have been able to formulate a program without a prohibitive price tag. Indeed, the authorization included in this bill is only $125 million a year for efforts Congress had, not so many years ago, authorized over $1 billion a year to accomplish. In order to achieve this economy I have structured a program that does away with State block grants and their cumbersome regulatory framework. In this way, all applicants, including States, will be allowed direct access to the competitive application process.

Finally, after careful consideration, I have concluded that the problems of juvenile delinquency are best confronted by a separate and coordinated office of juvenile justice. The Juvenile Justice and Delinquency Prevention Act, which was last amended in 1980 and reauthorized through 1984, continues to provide a sound framework for such activities and should be retained.

I urge my colleagues to join me in an expedited consideration of this measure so that we may move forward to conference with the House, which on February 10, 1982, passed its version of a Federal criminal justice assistance package, and can have a visible program in place before the end of the year.

SENATOR JOSEPH R. BIDEN, JR., APRIL 21, 1982, INTRODCTORY REMARKS

Mr. President, today I introduced with my colleague from Pennsylvania, Arlen Specter, a bill to reestablish the Federal criminal justice assistance program. I wholeheartedly support Senator Specter in introducing what we believe a bipartistan approach to helping

State and local criminal justice agencies, Senator Specter, as chairman of the Judiciary Subcommittee having jurisdiction over Federal assistance efforts, has worked very hard on developing a proposal that will help State and local law enforcement.

As the ranking member of the Judiciary Committee and chairman of the Democratic Task Force on Crime I joined with my colleagues on this side of the aisle in introducing a comprehensive legislative package last June. One of the components of that package was a limited Federal assistance proposal for State and local government that focused on successful concepts and would allow for research and development of new crime-fighting concepts.

This same approach is included in this bill, which was very well drafted by the Senator from Pennsylvania who must take, if not full credit, the lion's share of credit for the bill which I am cosponsoring.

Too often in the past, under the old LEAA program, assistance money was used to purchase equipment or pay salaries. Also, the former program resembled a scatter-shot approach with few dollars being spread so thin that achievement of success was difficult to measure.

Instead, this bill would take into account the lessons learned from the old LEAA program. Using a modest annual investment of $125 million, it would enable State and local governments to make criminal justice improvements by implementing effective program approaches in criminal justice operations.

One of the features of this bill, similar to that which I introduced last June, would be funding programs of proven effectiveness such as career criminal prosecution; integrated criminal apprehension program (ICAP); sting; treatment alternatives to street crime (TASC); victim-witness assistance; arson prevention and control; prosecutor's management information system (Promis); violent juvenile offenders program (New Pride); and comprehensive crime prevention, and so forth.

We further intend that this program link research and actual program operation by having the National Institute of Justice be responsible for testing, evaluating, and recommending adjustments in the types of programs to be funded. It is our intent that this program be streamlined administratively and avoid a return to previous LEAA mistakes when limited Federal dollars were often spent in an ineffective manner.

One provision of this bill calls for the Federal Government to provide grants up to 100 percent of the cost of State and local jurisdiction that request specific training or technical assistance. The intent is to provide the requesting jurisdictions with written material, training workshops, direct onsite technical assistance so that new concepts and programs of proven effectiveness can be started. It will be the responsibility of the requesting jurisdiction to cover the operating and day-to-day costs of the program.

Training and technical assistance will also be available for management problems or specific concerns that may not necessarily entail the development of one of the concepts listed above.

In this bill we recognize that there are certain programs that can best be undertaken on a national basis because of their long term nature. These are programs that will assist State and local criminal

justice systems throughout the country. Examples of such programs include the correctional and law enforcement standards and accreditation programs. These programs are in varying degrees of improving, monitoring, and evaluating correction and law enforcement services and facilities. The development of standards and their accreditation of correction and law enforcement agencies meeting those standards, provides an opportunity for State and local agencies to demonstrate they meet their profession's highest performance criteria.

Another program in the bill will be the emergency assistance funding program. When there occurs a crime problem of such a serious or epidemic proportion such as the Atlanta child murders or the drug-related violence in south Florida, the prompt support by the Federal Government to local and State agencies should be available.

We have carefully written this language to insure that the Federal Government does not needlessly intervene in matters of State and local concern. This program will only be implemented for crime emergencies of extraordinary circumstances and when State and local resources are not geared to expeditiously resolve the problem. In all situations in which these funds are used, primary responsibility for responding to the situation rests with the local or State jurisdiction. These funds are to be used to help coordinate and expediate resolution of the crime problem following the request for assistance by the local jurisdiction.

Mr. President, this proposal represents a very modest authorization of $125 million a year. It is a far cry from the $1 billion a year investment that was going into Federal criminal justice assistance only a few years ago. It is important that assistance funds be made available to States and cities, but in a streamlined and efficient manner. This bill is intended to do just that.

There are several bills pending in the Senate that address this issue of State and local assistance. On the House side, Congressman Hughes' criminal justice assistance bill was overwhelmingly passed out of the House in February by a vote of 289 to 73. It is clear that Congress recognizes the need for redesigning and continuing criminal justice assistance to States and cities.

Although the administration has yet to support any criminal justice assistance program or offer an alternative to those introduced, the Attorney General's Task Force on Violent Crime recommended in August 1981 that funds be available for implementing demonstration programs of proven effectiveness that require a reasonable match of State and local funds. I believe that is what this bill calls for.

I encourage my colleagues in the Senate to join Senator Specter and me in getting down to the business of working out the best possible approach to assisting States and cities with our most paramount domestic concern. Let us move forward on this Nation's crime problem.

SENATOR EDWARD M. KENNEDY, APRIL 29, 1982, COSPONSORING REMARKS

Mr. President, I am pleased to join Senator Specter in sponsoring the "Justice Assistance Act of 1982." This legislation would continue essential federal aid to assist localities in their struggle against crime. Federal law enforcement assistance to state and local jurisdictions

formerly provided by the Law Enforcement Assistance Administration (LEAA) has been eliminated by the current Administration.

The assistance provided by the Law Enforcement Assistance Administration has been an important concern of mine for a long time. In the last Congress, I authored legislation which restructured and streamlined LEAA to improve the functioning and effectiveness of the agency. That effort was the culmination of a decade of debate over the nature and scope of the LEAA program. The enactment of the "Justice System Improvement Act of 1979" confirmed the desire of American citizens that the federal government maintain a role as provider of direct assistance to state and local governments to help fight crime. The Administration has turned its back on the serious crime problems faced by cities, suburbs and rural communities across the nation by eliminating all funding for direct federal law enforcement assistance to state and local governments.

I am, of course, aware that crime is primarily a local problem and that LEAA accounted for less than one cent of every dollar spent on criminal justice at the local level. But the issue is not whether federal assistance can cure the nation's crime problem—it cannot—but whether such direct aid can make a meaningful contribution. I believe it can. This legislation gives the federal government the opportunity to continue to provide valuable assistance to local governments and I look forward to its consideration in the Senate.

SENATOR CHARLES M'C. MATHIAS, JR., AUGUST 17, 1982, COSPONSORING REMARKS

Mr. President, I am pleased to join as a cosponsor of S. 2411, the Justice Assistance Act of 1982. This legislation, which was introduced by Senator Specter on April 21, 1982, and which is pending in the Judiciary Committee, is an essential part of our effort to assist States and local communities in the fight against crime.

There has been a great deal of discussion recently about what we, in the Senate, can do to fight crime. All of us know that the problem is serious and real. Violent crime is in the forefront of national consciousness. Statistics tell the tale. Violent crime climbed 59 percent in the last 10 years. In 1980 alone violent crime increased by 13 percent, the biggest jump in more than a decade. We live in a society where a murder is committed every 24 minutes, where a burglary occurs every 10 seconds, and where a woman is raped every 7 minutes.

But we must all recognize the frustrating reality that under our Federal system, the ability of the Federal Government to attack the crime problem is somewhat limited. This is particularly true with respect to the violent street crime which haunts the inhabitants of our inner cities and which forces our elderly to withdraw into isolation rather than risk assault on the streets. Such crimes must be combatted primarily at the local level, by local law enforcement agencies, State courts and correctional systems, and, most of all, by concerned private citizens.

The Federal Government cannot solve the crime problem by itself. But it has an important role to play in assisting States and local communities in their anticrime efforts. Our responsibility as Members of the U.S. Senate is to define the appropriate Federal role in fighting

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crime, and then to fashion concrete and constructive means for translating into action our commitment to help combat violent crime.

To its credit, the Judiciary Committee has taken up these tasks, and is considering a variety of significant anticrime legislation. We are examining measures which will permit more effective prosecution of armed career criminals, and which will aid the victims of crime. But perhaps most important of all, we have before us a bill which authorizes the Federal Government to give essential crime-fighting assistance to the States and localities, in a way that is efficient, fair, and appropriate to the task of mobilizing our citizency to help stop the growth of violent crime. That bill is the Justice Assistance Act.

S. 2411 would establish the Office of Justice Assistance (OJA) in the Department of Justice, to administer a modest program of grants to State and local law enforcement and community agencies. Some of these grants would be specifically targeted for the replication of programs which have been proven effective in other communities around the country. Other grants would underwrite educational and training programs for criminal and juvenile justice personnel. The Justice Assistance Act also provides for small grants for the implementation of innovative crime-fighting programs which are likely to prove successful. Finally, S. 2411 authorizes grants to help States and localities deal with specific criminal justice emergencies. Through all of these programs, the Federal Government would assume a proper role in the fight against violent crime: To provide assistance, coordination, and expertise to the people in communities across the country who are in the best position to decide how to tackle the crime problem.

In previous legislation, the Congress has considered how this assistance can best be provided. The administrative provisions of the Justice Assistance Act build upon our past experience with federally-funded crime-fighting efforts. The result is a structure within the Department of Justice which can efficiently and economically run this important program. S. 2411 provides safeguards to protect the independence and impartiality of the New Office of Justice Assistance. The bill creates a presidentially-appointed advisory board to help set OJA policy, while at the same time coordination is insured through interlocking boards with the Bureau of Justice Statistics, the National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention. S. 2411 dispenses with some of the cumbersome grant application and review procedures which at times have ensnarled anticrime efforts in red tape. And throughout the bill, the OJA is directed to set priorities in the fight against crime, and to encourage participation by nonprofit organizations and neighborhood and community groups. I believe that these provisions go far toward insuring that the programs created by this bill will deliver assistance which our communities need and can really use.

Senator Specter is to be commended for his sponsorship of S. 2411, the Justice Assistance Act of 1982. I urge my colleagues, on the Judiciary Committee and in the Senate as a whole, to lend their support to this most important initiative. In the brief time remaining in this session, let us enact a measure which will authorize the Federal Government to provide our cities, towns, and rural areas with resources—not just with rhetoric—in the fight against crime which engages us all.

B. Hearing Statement

CONGRESSMAN WILLIAM J. HUGHES, MARCH 18, 1982

Thank you, Senator Specter, for that gracious introduction. It is gratifying to have your support and to work with someone with your knowledge and expertise in this area. As a former fellow prosecutor, I know we share many similar objectives with respect to anticrime legislation. I am proud to bring to this committee a major Federal initiative in the fight against crime. The bill, H.R. 4481, authorizes the expenditure of a modest amount of Federal funds to assist State and local governments in the struggle against crime in the streets.

I believe that this bill which has broad bipartisan support can become law. I believe that we have learned the painful lessons of the limitations of a Federal criminal justice programs. But I also believe that we have found some criminal justice programs that really work. Through the leadership of thoughtful and resourceful prosecutors like yourself across the country, we have developed victim/witness programs, career criminal programs, and white collar initiatives. I know, Senator, that you believe in these programs because in many instances you were on the cutting edge of their development. I hope that you see this bill as a continuation of the crime fighting initiatives you undertook as district attorney in Philadelphia.

Unlike existing law, this bill does not provide authority and money to build a huge self-sustaining bureaucracy with Federal money. It does not represent that we can cure the crime problem of America by the infusion of Federal money, and it does not permit the money to be spent for any and all undertakings that fall within the criminal justice system. Instead, the small amount of money is targeted at specific critical crime problems, such as career criminals, arson, jail and prison overcrowding, and serious crime being committed by juveniles. It is targeted at real crime problems, and the Federal money is matched dollar-for-dollar with State and local funds in most cases, to assure that the users believe in the programs, and some of the money authorized can be used for testing new ideas while the vast majority of the dollars will go into programs that have been shown to work.

Additionally, the bill creates for the first time in Federal law a requirement that the Attorney General coordinate the Federal law enforcement response to crime emergencies such as those experienced in south Florida.

We all know the said, and often, troubling history of the Law Enforcement Assistance Administration (LEAA). LEAA, while designed to meet a legitimate need, unfortunately got caught up in a swirl of conflicting goals and ineffective administration. However, LEAA did produce some impressive results despite its generally negative image. LEAA fostered the development of programs dealing with career criminals, sting operations, treatment alternatives to street crime (TASC), and many other law enforcement initiatives. While none of us wishes to return to the LEAA of old days gone by, I would hope that most of us would be able to support legislation that takes the best of LEAA experience. Two hundred and eighty-nine of us in the House believe that H.R. 4481 does just that.

The major feature of the Justice Assistance Act of 1981 is a block grant program for criminal justice funds. Under the bill, the modest block grant pool of about $150 million will be distributed to the States on the basis of population and crime rate. The bill would abolish the bureaucratic nightmare of LEAA and replace it with a lean and scaled-down operation that would not impose Federal burdensome paper-keeping requirements on State and local recipients.

The major features of the legislation include a requirement that the States provide a 50-percent match before they receive any Federal funds; the elimination of the federally required State planning agencies and councils, and a narrower focus for the grants.

The proposed Office of Justice Assistance (OJA) would have limited discretion under the bill; 80 percent of the money would be distributed directly to the States, with each State getting a minimum amount of $250,000 with the remainder to be distributed one-half on the basis of population and one-half based on the State's crime rate.

The Justice Assistance Act of 1981 provides 13 permissible categories of criminal justice programs which can be funded under this legislation. The 13 programmatic areas generally reflect those projects that have a proven record of effectiveness. Among the permissible categories are the following:

Community and police anti-crime programs;
Sting operations;
Arson programs;
White-collar crime and organized crime programs;
Career criminal programs;
Victim/witness programs;
Treatment alternatives to street crime (TASC); and
Prosecutor and police management information systems.

These programs categories were chosen by the committee because they have been positively evaluated and have had the support of the law enforcement community. In addition, a State may use up to 10 percent of its criminal justice grant for innovative or new criminal justice programs which address crime issues.

In addition to the block grant programs which are provided for in section 401 of the legislation, 20 percent of the funds are reserved for discretionary grants at the Federal level. Under the bill, the committee recognized that in order to move some new and worthwhile programs from the research to the implementation stage, some Federal money had to be made available for new programs. Under the bill, 10 percent of the total appropriation is authorized to be expended for innovative programs. Also under this section, the Director of the Office of Justice Assistance is authorized to spend up to 10 percent of the appropriated funds for either: (1) Programs of the type which are fundable at the State level, but which are national or multistate in scope; or (2) programs which are designed to provide technical assistance or training to criminal justice personnel.

The bill also provides for emergency grants to States and units of local government experiencing criminal justice crisis conditions. A recent example of the need for such law enforcement assistance, similar to Federal assistance in natural disasters, is the investigation of the Atlanta child murders. When President Reagan determined that

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Federal funds should be made available to help with the cost of the investigation, he had to order the use of Housing and Urban Development money for the criminal investigation, since there were no law enforcement assistance funds available.

This legislation, H.R. 4481, has been approved by the House of Representatives on February 10th by a vote of 289–73 with broad bipartisan backing. The bill is the product of months of hearings and hard work by the members of the Subcommittee on Crime. Testimony was taken from representatives of all sectors of the criminal justice system: Police, prosecutors, judges, and corrections officials. H.R. 4481 also has the strong support of the National District Attorneys Association, the National Association of Attorneys General, the International Association of Chiefs of Police, the Police Foundation, the American Bar Association, and the American Correctional Association.

Additionally, the legislation is in line with a recommendation of the Attorney General's task force on violent crime. While suggesting no precise dollar amount, the final report of the report of the task force urges that:

> Federal funds should be made available to State and local governments to implement those programs that have been demonstrated and proven to be effective through rigorous independent evaluation.

Under such circumstances, it is hard to see why the administration, which has expressed many times its deep concern with rising crime, cannot support a bill which provides such a modest amount of Federal dollars in comparison to past LEAA experience, and which was recommended by its own task force on violent crime.

In conclusion, I urge my Senate colleagues to respond in a positive and constructive way to the concerns of all Americans about crime. This bill represents a bipartisan effort to define strong but limited Federal leadership in the fight against crime.

CONGRESSMAN HAROLD S. SAWYER, MARCH 18, 1982

In view of the rising crime rate and increasing public concern, it is my pleasure to appear before this subcommittee to discuss the need for Federal efforts. In my view, H.R. 4481, combined with the activities of our Federal law enforcement agencies, such as the FBI and DEA, constitutes an appropriate Federal response. I want to commend you, Mr. Chairman, for your concern over the termination of Federal criminal justice assistance and for beginning in the Senate the process of restructuring it in a manner that will encourage cotninued funding.

Mr. Chairman, I am a vigorous supporter of the notion that the Federal Government ought to do only what the people and their duly elected State and local governments cannot do for themselves. Obviously, the people are unable to defend themselves against not only foreign attacks, but threats to domestic peace as well. The only real question is which level of Government ought to respond. Under our constitutional system of federalism, 90 percent of criminal activity falls within the purview of the States and localities. As former urban

prosecutors, I am certain we all agree that the States and local governments are ready, willing and able to fulfill their duties. However, some aspects of the crime problem are beyond their ability to respond effectively. Among these are experimentation and innovation in crime-fighting programs. Federal funding in this area is as essential, in my estimation, as spending for national defense.

While my colleague, the Chairman of the Subcommittee, has described what H.R. 4481 includes, let me emphasize what it does not include. First, H.R. 4481 does not involve large expenditures; $170 million is a useful sum, but not a princely amount when we look at Federal spending in other areas. Certainly, it is a substantial decrease from levels in previous fiscal years, but with the matching funds required in the bill, I believe we have a workable program. Simply throwing huge quantities of money at the crime problem is no solution. The real issue is how can we effectively spend the money.

Mr. Chairman, another thing H.R. 4481 does not do is to give "free money" to the States. This, in my judgment, was one of the great pitfalls of LEAA. As I have mentioned, the States are required to provide 50 percent matching funds. With that kind of investment involved, it is unlikely that Federal funds would be spent on unproductive programs.

Finally, H.R. 4481 does not create any new bureaucratic monsters. On the State level, it abolishes mandatory planning agencies. On the Federal level, it combines two existing agencies into one. Furthermore, the bill restricts the use of grant funds for State administrative expenses to 5 percent. Thus, the taxpayers will enjoy unprecedented value for their dollars spent on crime programs.

Mr. Chairman, with the support of the Chairman of the Subcommittee, the full Committee and the House included in H.R. 4481 several amendments which I offered. First, funding for individual formula grant programs under Title I of the Omnibus Crime Control and Safe Streets Act is limited to four years. This was a recommendation of the Attorney General's Task Force on Voilent Crime and I believe it has merit. At the end of four years, the Recipient must pick up the check. Thus, the federal government's role under H.R. 4481 truly will be to provide "seed money," not permanent funding.

One of the novel features which Chairman Hughes included in H.R. 4481 is the authorization of emergency, or "disaster," assistance. Our trips to Miami and Atlanta last year impressed upon us the compelling need for such assistance. Based on some suggestions by the Administration, I offered an amendment on the floor of the House, which was supported by Chairman Hughes, to streamline and consolidate that assistance. As H.R. 4481 was passed by the House, all forms of emergency aid, including the sharing of intelligence, equipment and personnel, and the provision of funds, would be administered by the Attorney General. This, in my view, is the most efficient way to respond to an emergency situation.

Mr. Chairman, we are pleased to have you as an ally in the effort to restore federal criminal justice assistance to the states and localities. As you know, our bill was passed by an overwhelming majority in the House. I hope that you will enjoy the same success over here.

CONGRESSMAN ROBERT M'CLURY, MARCH 18, 1982

I am pleased to appear before this Subcommittee today to discuss the reauthorization of federal law enforcement assistance to the states and localities. This has been one of my primary interests during my Congressional career and its continuation is absolutely imperative in my view.

Mr. Chairman, I was "present at the creation" of the LEAA and gave my vigorous support to the panopoly of criminal justice programs contained in the Omnibus Crime Control and Safe Streets Act of 1968. When that measure was considered on the floor of the House during the summer of 1967, I offered an amendment which established the National Institute of Law Enforcement and Criminal Justice, the forerunner of the existing NIJ. The result was, for the first time, a federal assistance program buttressed by a national research policy.

During the decade or so during which the LEAA operated at full capacity, I was frequently contacted by neighborhood groups, nonprofit organizations, business people and law enforcement officers praising the programs funded with its grants. They were unanimous on two points—first, that the programs were of inestimable benefits, and second, that the programs would not have been possible without the "seed money" provided by the federal government. LEAA programs provided the impetus for government and private concerns to coordinate their responses to crime.

The programs which the LEAA funded are legendary. In my own district, for instance, programs establishing prosecutorial management information systems to expedite caseload processing, reforms in education and job training in correctional facilities, improvement in police communications systems, half-way houses, and computerization of court records were established with LEAA funds. In Kane County alone, LEAA grants brought various community groups together to assist senior citizens, provide counseling on child abuse and rape, and to run a drug detection system. In addition, programs in the planning stages included involving law student assistance for judges, arson investigation, and the upgrading of certain correctional facilities. Regrettably, the termination of the LEAA will preclude some other communities from enjoying the same benefits.

Although the LEAA grant program was terminated almost a year-and-a-half ago, I continue to be amazed by the method which was used. Over the repeated protests of Judiciary Committee members, the LEAA was extinguished by a hurried and haphazard cut-off of appropriations. This occurred despite the fact that, only months before, after arduous deliberation, both the House and the Senate had approved revitalizing legislation to extend its authorization through fiscal year 1983. Unfortunately, that legislation, the Justice System Improvement Act of 1979, was never fully tested in practice.

Mr. Chairman, the "silver lining" in this cloud is that LEAA's demise has given us the impetus once again to make improvements in the authorizing legislation. When the House Subcommittee on Crime began its investigation last spring, I had the privilege of testifying to the urgent need for continued criminal justice assistance. I am happy to say that the product of the Subcommittee's deliberations was a bill

containing such vital improvements that it generated substantial support on both sides of the aisle. At the same time, the modest funding levels acknowledge the need to reduce federal spending and the budget deficit.

Mr. Chairman, I will defer to the Members of the Subcommittee for a detailed explanation of the provisions of H.R. 4481. However, I would like to draw this Subcommittee's attention to several provisions which I successfully offered as amendments in Committee and on the floor.

First and foremost, Mr. Chairman, considering the fact that we are almost half way through fiscal year 1982, I believe that any legislation in this area should extend the authorization for assistance at least through fiscal year 1984. My amendment, which was approved by the House, accomplishes just that.

Second, while H.R. 4481 would abolish the Office of Justice Assistance, Research and Statistics in an effort to minimize administrative machinery on the federal level, we must retain some sort of coordinating function between the various agencies involved in this area. Thus, my amendment, which was adopted by the full Committee, permits the new Office of Justice Assistance to provide staff support to, and to assist in coordinating the activities of, the National Institute of Justice, the Bureau of Justice Statistics and the Office of Juvenile Justice and Delinquency Prevention.

Third, since one of the methods used by the foes of LEAA to achieve its destruction was the reprogramming device, the full Committee approved my amendment to prohibit the reprogramming of grant funds to other functions.

Finally, on the floor, at the suggestion of the Administration, I offered an amendment to permit jurisdictions which do not participate in the formula grant program by providing matching funds to receive technical assistance under the discretionary grant program. This has been one of the most valuable contributions of LEAA, and I believe it should be available to all jurisdictions.

Mr. Chairman, I want to commend you for initiating deliberations in this body on the important issue of federal criminal justice assistance. In view of the current crime situation, it would be "penny-wise and pound-foolish" for the federal government to ignore the urgent needs of the states and localities in this area. The Chairman and Ranking Minority Member of the Subcommittee, Messrs. Hughes and Sawyer, deserve high praise for their diligent efforts in producing H.R. 4481. I hope that the Senate will also move quickly so that we can have a program in place for fiscal year 1983.

DAVID L. ARMSTRONG, PRESIDENT, NDAA; COMMONWEALTH ATTORNEY, JEFFERSON COUNTY, KY., MARCH 18, 1982

Mr. Chairman, I appreciate the opportunity to appear before this committee to speak for over 6,000 members of the National District Attorneys Association.

At the outset, I would like to commend you, Mr. Chairman, and other members of this committee for your efforts on behalf of the frightened, law-abiding citizens of America.

By some estimates, crime and delinquency costs us $125 billion each year. It is demoralizing an entire nation and is forcibly and drastically altering a cherished lifestyle. Crime is literally threatening our existence as a free civilization.

Acccording to figures issued by the U.S. Department of Justice, almost one-third of the homes in America were victimized last year and 23,000 citizens were killed by criminals.

If the Center for Disease Control in Atlanta should report that a sudden illness would strike one-third of the households in America at a cost of $125 billion and that 23,000 people would die from this malady, the President would declare a national emergency, the Congress would meet in joint session, and the great bipartisan response would rival the reaction of the President and Congress when Japan bombed Pearl Harbor in 1941.

If local or foreign terrorists should wreak this havoc on our society we would be outraged, and we would surely mount a response designed to immediately eradicate the perpetrators.

From this perspective it is rather strange that the outrages suffered by our citizens at the hands of criminals are being virtually ignored by this Administration and this Congress.

The national crime epidemic is being called a "local" problem. While the primary response to criminal activity must come from local criminal justice agencies, the characterization of crime as a local problem for which the federal government has no responsibility in an affront to every law-abiding citizen in this nation.

Last Thursday evening I presented the tearful widow of a slain South Florida prosecutor a small posthumous token of our appreciation for her husband's fight against drug dealers. It is difficult to tell that prosecutor's widow and the people in Miami and other coastal Florida communities that the invasion of their neighborhoods by purveyors of illicit drugs is a "local" problem for local solution.

Crime in this country is clearly a national problem that requires a national initiative and national leadership. It also requires significant national financial assistance.

The Attorney General's Task Force on Violent Crime completed its work last August. Members of the Task Force entered upon their duties with an awareness of the prevailing economic conditions in this country. We were also aware of the Administration's pledge to take aggressive steps to reduce federal spending. We knew that any recommendations calling for significant federal expenditures would not be acceptable to the Administration. Consequently, our report offered a blueprint for federal participation in America's war on crime which would require minimal federal appropriation. Despite the fact that this task force report was, for the most part, viewed favorably by the White House, we have seen little initiative for the accomplishment of the task force recommendations.

In addition to the recommendations contained in the report of the Attorney General's Task Force on Violent Crime, there are several areas where the federal government must get involved immediately and where, apparently, the Congress, and perhaps this committee, must provide the leadership.

A massive federal effort must be launched immediately in drug enforcement and education. The interdiction of illicit drugs from for-

eign soil is clearly a Federal responsibility and that effort must be enhanced by a clearly and strongly enunciated foreign policy. The recent allocation of additional Federal law enforcement resources to the Florida area, while laudable, is grossly insufficient.

In addition to an increased Federal effort in drug enforcement, it is not only appropriate but absolutely necessary that the Federal Government take an aggressive leadership role in drug abuse education. While a great reservoir of private resources will be available in this effort, a substantial commitment of Federal dollars will be required to guide our national and local efforts.

Another area where the expenditure of Federal dollars is necessary is in career criminal prosecution. It is well known by criminal justice professionals that an inordinate percentage of crime is committed by the repeat, or "career", offender. Some estimates say that 60 percent of the crime in this country is committed by a career criminal nucleus of only 6 percent of the offender population. This being the case, it makes sense to target this segment of the criminal population for quick and decisive immobilization. Career criminal prosecution units have been tested and have proved amazingly successful at a cost relatively small compared to the severe impact that the career criminal has on our criminal justice system.

The Congress should make grant funds available to State and local agencies for career criminal programs through a system which aggressively seeks out appropriate candidates for career criminal program funds.

In view of the impact made by career criminals on the criminal justice system, the expenditure of Federal tax dollars to remove that criminal from our communities is a prudent investment of our tax dollars.

Another important way the Federal Government can make a significant contribution to the war on crime with relatively little outlay of Federal dollars is the relinquishment of unused Federal land and buildings for the housing of State prisoners. Although the President agreed to this approach following its recommendation by the Task Force on Violent Crime, little has been done to accomplish this goal.

Another specific area which requires immediate attention is bail reform. An appalling number of those arrested for committing major crimes are on bail awaiting trial or sentencing for a previously committed felony. This situation is an affront to the law abiding members of the community and generally engenders disrespect for our legal system. Leadership at the Federal level through congressional bail reform legislation will cost nothing. In addition to reforming the Federal system, it will encourage State legislatures to initiate reforms in the various States.

A number of the suggestions made here are addressed, to some degree, by the Justice Assistance Act of 1981 (H.R. 4481) sponsored by Congressman William Hughes and passed overwhelmingly by the House several days ago.

Mr. Chairman, I would submit that the Justice Assistance Act of 1981 as passed by the House should be examined very carefully by you and this committee. As a former prosecutor, and as a member of Congress who has taken a leadership role in criminal justice reform, you will recognize the need for most, if not all, the provisions of that Act.

CHIEF CORNELIUS J. BEHAN, BALTIMORE COUNTY POLICE DEPARTMENT, AND DIRECTOR HUBERT WILLIAMS, NEWARK POLICE DEPARTMENT, ON BEHALF OF THE POLICE EXECUTIVE RESEARCH FORUM, FEBRUARY 11, 1982

Mr. Chairman, members of the Subcommittee, thank you for giving the members of the Police Executive Research Forum an opportunity to express their views regarding the need for the Federal Government to assist State and local law enforcement agencies in their fight against crime. The Forum is an organization comprised of chiefs of police from the Nation's largest city and county law enforcement agencies who, daily, must deal with the country's most serious crime problems. Individually and collectively, through our organization, we continually search for better ways to combat the crime problems plaguing our citizens. The role of the Federal Government in this effort is indispensable to our success.

On behalf of the members of the Forum, I would like to commend you for holding these hearings. Although we have heard much talk about combatting crime, little action has been forthcoming; in fact, Federal assistance has been reduced. I needn't tell you that crime is a serious problem for most American citizens. You hear that from voters; we hear it from our constituents. Statistics show, however, that these claims are not unfounded. During the 1970's alone, the rate of violent crime surged by nearly 50 percent. At the end of the decade, it was reliably estimated that more than six million violent crimes occurred annually, with one American falling victim to an act of criminal violence every 24 seconds. One of every 17 families was affected by violent crime. If we include burglaries, this increases the rate to one of every 14 families. National polls over the past decade have found that Americans feel that crime ranges from first to third on their list of concerns; it is a problem that envelops our citizens in fear and makes a mockery of our government's responsibility to "insure domestic tranquillity."

Although it is true that crime is basically a State and local responsibility, the way in which it affects the fabric of our society makes it a national problem. This fact notwithstanding, for all the discussion and expression of concern over the crime problem, little more than symbolic measures have been proposed. We feel that more rhetoric, in the absence of substantive action, will simply heighten the public's fear of crime and frustrate those who must actually deal with the problem. For this reason, the hearings you have begun are important because they facilitate the exchange of meaningful ideas which can then be fashioned into a suitable and effective mechanism for carrying out the Federal role.

We have gone nearly 2 years now without the Law Enforcement Assistance Administration, an agency which represented the Federal Government's last effort to provide assistance. Although there were, admittedly, many problems with this agency, its discontinuation has left a gap which is beginning to result in negative consequences .The criminal justice system, already burdened by myths, hindered by a lack of knowledge, and often constrained by a blind adherence to tradition, is now "hunkering down." Criminal justice agencies, lacking the resources to develop new ways to improve their effectiveness and

efficiency (a process which Federal money fostered), are instead, developing a siege mentality of making do with what we have and fighting to keep that. New efforts mean new risks and no one can afford failures at this time. In light of the limited success criminal justice agencies have had in dealing with crime, this can hardly be viewed as a good omen.

From a law enforcement perspective, we see essentially two roles the Federal Government can play: one of leadership, the other of support. We are all familiar with the support role; this was the basis on which funds were allocated in the past. Although it is our belief that the LEAA has funded many successful programs, we also recognize that the high level of funding required to continue such a program is not possible given the current fiscal priorities of Congress and this Nation. Likewise, we face similar constraints with respect to our own local budgets and, therefore, cannot expect the Federal Government to respond as it has previously. Furthermore, given the limited amount of funds available, it is unrealistic to expect that a national program can underwrite or subsidize local criminal justice programs adequately.

Thus, the most effective role which the Federal Government can play is one of leadership. By leadership, we mean assisting criminal justice agencies in their search for new and innovative ways to perform their tasks more effectively and efficiently. The current financial situation of most municipal jurisdictions is such that they cannot afford to take risks, to search for new and better ways to effectively deal with crime. Many barely have the money to meet basic operating costs. Similar to the role the Federal Government plays in sponsoring research regarding cancer and other diseases, Federal leadership is needed to improve the methods we use in the battle against the disease of crime. While wishing they could find cures and better treatment for many of the diseases which afflict their patients, hospital administrators must focus attention on operating their institutions to maintain the health of their patients according to tried procedures. They rely on Federal sponsorship of programs to test and develop new techniques. For example, the National Cancer Institute, in fiscal year 1981, provided $745 million in Federal grants and contracts for research into just one disease. If not for Federal sponsorship of searches for new and better ways to cure and treat diseases, hospitals would still be treating patients as they did decades ago. So, too, criminal justice administrators must focus their attention on operating their agencies within parameters defined by the resources available. And, although a support role of the Federal Government may help them operate more smoothly by adding a few dollars to their budgets, throwing a limited amount of money at the problem in this fashion will not achieve our mutual goal. What is really needed is assistance in developing new methods for conducting criminal justice operations in a more effective manner. Without such support from the Federal Government we will be doomed to a happenstance process of improvement, likely to be overrun and suffocated by the pressures of increasing crime.

To expect local criminal justice agencies—already financially hard-pressed to meet daily operating costs—to undertake high risk ventures and develop new programs, is simply unrealistic. In all efforts aimed at finding new solutions to complex problems there is as much chance of failure as success. This is the price of progress. No local criminal

justice executive, however, can take such chances under current conditions. This where the Federal Government can play a crucial role: it can support and foster those who seek new and better solutions. It was, after all, Federal moneys which supported the efforts which led to many of the widely-recognized successful programs currently in operation in local criminal justice agencies. This includes the career criminal programs, "sting" operations, the integrated criminal apprehension program, and the PROMIS system. Without this kind of encouragement, we surely will not progress beyond the point we are now; no one would suggest that, at this time, we have found the answers to an effective criminal justice system. Thus, the Federal Government can have a great impact on improving the local criminal justice system's ability to combat crime by providing it with what it does not and, probably, can never have—the means for systematically nurturing progress.

To fulfill this leadership role, we suggest that the Congress develop a national demonstration program. Some might suggest that the search for new ideas is the role already being played by the National Institute of Justice. There is, however, an important distinction between what NIJ does and what is envisioned here. NIJ's mandate is to conduct research, experiments, and empirical studies which call into question current assumptions and result in new knowledge. From these facts, conclusions can be drawn which can alter current policies or change existing operations. This is an important mandate which rightfully belongs to this independent agency. The program we are discussing today, however, should have as its goal the development of demonstration projects: its purpose should be to test new strategies and techniques to determine if they are operationally feasible. Moreover, such a program should monitor their effectiveness and efficiency. If one were to make an analogy to private industry, NIJ could be thought of as the research arm which, along with state and local criminal justice agencies, generates new concepts; and this proposed program as the marketing arm which test-markets them in the marketplace.

The procedure by which this program would operate is as follows. A local criminal justice agency, based on past research and experience, would suggest an innovative method for handling a specific problem confronting it. Funding would be provided to several jurisdictions to test the concept, and a rigorous evaluation of the new program would be conducted. If the program proved successful, a manual would be developed that detailed the steps for implementing the program and provided for its evaluation. Such manuals would then be disseminated in an extensive promotional campaign to advise other local criminal justice agencies throughout the country of the benefits of the new program. These agencies would then make an asessment of whether to implement it out of their current operating funds.

To provide you with a more concrete example of how this national demonstration program would work, let me give you an example from the Baltimore County Police Department. Based on a federally-funded study by Temple University and data collected by the Repeat Offender Task Force of the Maryland Governor's Commission on Law Enforcement and the Administration of Justice, it was discovered

that, generally, a small number of persons are responsible for committing a disproportionate number of crimes. The career criminal program sponsored by LEAA, was designed to assist prosecutors in focusing on these special offenders. Commonsense, however, tells us that not only the prosecutors, but the entire criminal justice system—from the police to corrections—should be devoting more of its resources in this area. The Repeat Offender Task Force came to just that conclusion. As a result, five jurisdictions are being asked to combine efforts to expand the focus of their career criminal programs to encompass the entire criminal justice system. Unfortunately, it will be difficult for these jurisdictions to acquire the necessary resources to implement this untried program. A national demonstration program, however, would not only permit the above mentioned jurisdictions to benefit from the successes of the program, as well as to learn from our experiences and any mistakes that might be made.

The national demonstration program we envision is based on the assumption that local jurisdictions will implement programs that are both needed and proven successful. Although it would be nice to have a carrot, in the form of financial incentives, to dangle in front of local jurisdictions to encourage adoption of programs, limited federal resources require that we rely on promotion of the program's self-worth as inducement. Again, the incentive for local police departments to adopt a national demonstration program would be the program's proven record of success, and its ability to improve a department's effectiveness and efficiency with respect to delivering specific services. That localities are more than willing to expend funds for such proven, innovative programs can be seen in the number of jurisdictions which funded the LEAA-tested career criminal and ICAP programs.

Eighty-five to ninety percent of the jurisdictions that started a career criminal program under LEAA have continued their program following the cessation of Federal funds. More importantly, however, a like number of local jurisdictions have instituted programs involving career criminal techniques and concepts with their own funds, based on the success of the program in the initial jurisdictions. Similarly, a large percentage of police departments have maintained ICAP programs after federal funding ceased, while a number of other departments implemented elements of the program out of their local budgets.

The key to the success of a national demonstration program will be vigorous leadership by those in charge of the program, with strong reliance on input from criminal justice practitioners as to their needs and ideas. Rigorous criteria must be applied when assessing which projects will be funded. The purpose of the program should not be to provide funding to each of the 50 states on a pro rata basis, but, rather, to support the development of those programs which show the greatest promise. The goal is to test innovative concepts and programs that appear workable and transferrable. A program designed as described should provide localities throughout the country with the opportunity to improve their operations.

Criteria to be met by and funded projects might include the following:

That they deal with an issue of significant importance to the improvement of the criminal justice system.

That they be based on a reasonable working hypothesis founded on articulated and supportable evidence of previous research or experience.

That they have a reasonable opportunity of success.

That they be unable to be funded or implemented solely from local resources.

That they be cost efficient.

That they be transferrable to other jurisdictions.

As important as deciding which programs to fund is the promoting of programs proven successful. A comprehensive marketing strategy should be developed to insure that all jurisdictions are made aware of the effectiveness of an innovative program and the efficiencies they will realize if such a program is implemented.

In summary, then, we believe the most useful role the federal government can play in assisting local criminal justice systems with the limited funds currently available is to nurture those efforts that are geared toward developing better ways of combatting crime. Only if we progress beyond our current capabilities, do we have any hope of allaying the public's growing disillusionment with the criminal justice system's ability to cope with crime.

A federal support program that underwrites proven programs in all local jurisdictions is too expensive to be politically feasible given the current economic climate. A federal program with modest funds earmarked for the support of proven programs in a limited number of jurisdictions is much like funding NASA to send satellites into space because it has proven it can do it. NASA, once it succeeded with satellites, moved on to the challenges of putting men into space; soon after they were developing ways of putting men on the moon. Most recently, NASA developed the space shuttle. Those who would use satellites for their own purposes, such as for international communication, must now assume the costs themselves if they wish to enjoy the benefits. The same is no less true of the criminal justice system. The federal government should support those involved in risk-taking—those seeking to advance the state of the art. Once a program is proven, let those who will use it pay for it. If the programs are truly successful, bearing the total cost of implementing them will be outweighed by the benefits accruing to those who implement them.

We believe there is a legitimate and useful role to be played by the federal government in assisting state and local criminal justice agencies. This role is to provide leadership by fostering the development of progressive and more effective criminal justice operations. It can be accomplished by a national demonstration program which directly assists those operationally responsible for the criminal justice system.

JOSEPH A. FUSCO, ATLANTIC COUNTY, N.J., PROSECUTOR, FEBRUARY 11, 1982

Ten months ago I was sworn in as prosecutor and chief law enforcement officer of Atlantic County in New Jersey. For 3½ years prior to that date I served as the New Jersey Casino Control Commission's first director of licensing. During these periods I have become aware of the unique, extraordinary and developing problems of crime which face the Criminal Justice System in that State, County and in Atlantic

City. As Prosecutor, I welcome the opportunity to address the Subcommittee on Juvenile Justice concerning the impact on State and local law enforcement agencies of the impending April 15, 1982, termination of the Law Enforcement Assistance Administration. Its demise, after having expended $7 billion in the 12 years from 1968 to 1980, would obviously eliminate the primary source of Federal financial aid to such State and local agencies.

I note that in May of last year, shortly after becoming the Atlantic County Prosecutor, I testified before the Crime Subcommittee of the House Judiciary Committee in favor of the proposed "Justice Assistance Act" of Representative William J. Hughes which, after modification through further Subcommittee hearings, was approved by the House Judiciary Committee on September 22, 1981. That bill, H.R. 4481, was scheduled for a vote by the full House on Tuesday, February 11, 1982.

1. Stimulated economic activity

The legalization of casino gaming in Atlantic City almost 5 years ago has brought dramatic economic activity to this area. Atlantic City, with a year-round resident population of 40,000 was visited by 19 million tourists in 1981. This was a 36-percent increase over the number of 1980 visitors here. Also, in 1981, the Atlantic City workforce increased by approximately 9,000 new casino industry jobs. The now nine operating casino hotel complexes have added more than 30,000 casino industry jobs to the Atlantic City workforce, which has greatly stimulated labor union activity in this resort.

More than 4,000 vendors have already dealt with operating casinos thereby similarly stimulating the alcoholic beverage, vending machine, food purveyor, linen supplier, security, maintenance and garbage industries within the region. Slot machine, casino equipment and gaming school companies are, for the first time, now in business in this State.

The more than $1 billion in construction moneys which have been expended in Atlantic City within the last 4 years has created thousands of construction jobs and breathed new vitality and activity into labor unions representing workers in the building trades.

Incredibly, in the 3 years following the first roll of the dice at Resorts International on May 26, 1978, the general public was willing to wager more than $6 billion at the legal casinos of Atlantic City.

2. Crime

The 194,000 year-round population of Atlantic County represents slightly less than 3 percent of the State's population. In 1980, as the State was experiencing a 10-percent overall crime index increase, crime in Atlantic County rose by 37 percent. Statistical analysis seems to confirm that this extraordinary increase was almost exclusively attributable to the rise in Atlantic City crime. In 1980, while violent crime in the urban areas of the State rose by 24 percent, violent crime in Atlantic City rose by 35 percent. In 1980, non-violent burglary and theft crime which represents 90 percent of all reported crime rose by 13 percent in the urban areas of New Jersey. In Atlantic City, non-violent crime rose by 77 percent.

In the first 6 months of 1981, the overall crime index in both New Jersey (up 2 percent) and Atlantic County (up 4 percent) rose at

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considerably less alarming rates. In Atlantic City, however, indexed violent crime did again rise by 33 percent (as compared to the 13 percent rise experienced in all New Jersey urban areas) and indexed burglary and theft crime rose by 9 percent (as compared to the 3 percent rise in urban areas generally).

3. Fiscal constraints and the law enforcement capability

Presently, the Atlantic City Police Department employs 447 persons, 322 of whom are police officers. This is a staffing level substantially similar to that of the pre-casino era. The Office of the County Prosecutor is now staffed by 16 attorneys, 41 detective/investigators and approximately 43 clerical persons. The inflation of recent years, current "cap" limitations on increases in local government budgets and drastic reductions in Federal funding have made it increasingly difficult for law enforcement agencies to effectively respond to the rising crime rate, especially where the statistics are as drastic as those in this jurisdiction.

4. Atlantic County projects

In recent years, Atlantic County and its local law enforcement agencies, have directly benefited from LEAA grants in programs relating to arson, organized crime, career criminals, "Promis" and victim-witness-juror assistance. Each of these projects, in my opinion, has successfully strengthened the capabilities of law enforcement within the county.

A. Arson training (1982: $3,068 with no matching State or local funds): Federal LEAA funding in recent years has permitted research resulting in many valuable reports, manuals and books on the subject of arson investigation. In New Jersey, it permitted the creation of a statewide arson task force which for the first time developed a statewide strategy for arson control wherein priorities were set and programs recommended. One recommendation was the requiring of the now mandatory statewide Fire Incident Reporting System. Also, in 1979, such Federal funding permitted Atlantic City to purchase a modern, specially equipped arson van which otherwise would have been unavailable to it.

Perhaps the greatest impact of such arson grants in New Jersey has been the development of statewide training programs for full time and volunteer fire officers and for law enforcement personnel. A 21-hour "awareness course" has been attended by six investigators in this county and a 90-hour in-depth "investigation course" has been attended by another five such officers. One investigator in the county has been trained in a sophisticated "fraud analysis course" which dealt with investigative techniques for uncovering complex arson schemes. Through Federal funding, a six week "awareness training" for 150 Atlantic County police officers and firefighters is presently being coordinated by this Office.

It is somewhat difficult to substantiate the success of these training programs with statistics. Although there was a marked increase in Atlantic County in the number of arrests for arson in 1980 over 1979, the number of investigations conducted has not kept pace with the increasing number of arsons now being identified by scene examinations. The lack of trained investigators available for the time consuming and complex follow-up investigation, case preparation and

prosecution, however, renders our attempts to make real progress in fighting this costly crime difficult.

What has been done to date is the first step in a long road ahead. Without funding, the future of such research, training, new equipment and facilities is doubtful. There is no question as to the interest and enthusiasm of those currently involved or those who believe they may have the opportunity to become involved in the fight against arson. Such enthusiasm must be nurtured and directed with proper leadership and training if any success or progress is to be realized.

B. Organized crime prevention project (One year; $100,000 with 10 percent State-County buy-in): In 1977, law enforcement agencies that were to be affected by the passage of the casino gaming referendum commenced appropriate study and planning directed toward the purpose of minimizing the myriad of problems that were anticipated. The Atlantic County Prosecutor in conjunction with the Attorney General recognized that the then occurring increase in economic activity in the Atlantic City area brought about by casino gaming would attract organized crime elements which, like any other business enterprises, tend to gravitate to opportunities for profit. Of particular concern was the likelihood of organized crime infiltration into labor unions and into a variety of white collar crime, real estate acquisition and legitimate business activities. Also expected was the traditional organized crime role of supplying illegal goods and services to the general populace such as loansharking, gambling, narcotics, prostitution, arson and other criminal business.

To address these organized crime problems with a realization that specially trained prosecutive and investigative units were needed, the Atlantic County Prosecutor on December 1, 1977, applied for and received a $100,000 one year grant from LEAA to fund the Atlantic County Organized Crime Prevention Project between January and December, 1978. A state and county buy-in of 10% was required. The grant permitted the Prosecutor to hire six additional investigators and two clerical persons dedicated exclusively to the project. The manpower and equipment that was acquired formed the nucleus of the Special Prosecution Section of the Office which was given responsibility for the investigation and prosecution of organized crime activities, official corruption and white collar crime. That section, augmented by the personnel and equipment obtained through the grant, has been successful for the past several years in returning indictments and obtaining convictions in these areas; in monitoring organized crime activities in areas including infiltrations into legitimate businesses and labor racketeering; and in intelligence gathering for use in focusing attention on specific criminal offenders.

More must be done to appropriately address these problems. For example, in 1977, only a single organized crime family was documented as operating in the Atlantic City area. Today, in 1982, the presence of four major organized crime families has been documented in the Atlantic City area. Fortunately, at the present time, the crime families which maintain this presence have not yet so infiltrated legitimate business enterprises so as to affect the market place although it is expected that attempts at such infiltration will continue. Organized crime does, however, seem to control the flow of substantial

amounts of illicit goods and services into this area. In terms of retarding both further organized crime infiltration and related white collar criminal activity, further specially designed prevention projects will be needed.

C. Antiburglary and fencing "Sting" operations.—Although funding for state and local law enforcement efforts is primarily the responsibility of these Government entities, in specific problem areas, federal funding has long stimulated the development of innovative programs to combat crime. An example is the federal funding of covert investigations directed toward the disruption of illicit commerce in stolen property, more commonly known as "sting" operations. Prior to the enactment of the Omnibus Crime Control and Safe Streets Act of 1968, I am not aware of any successful "sting" operations. Yet such operations have since proven to be the only successful method of adequately infiltrating the criminal community so that law enforcement agencies could identify conspirators and obtain evidence for successful prosecution. Because "sting" operations are costly, however, they normally are beyond the regular funding capabilities of local and State agencies.

D. Career criminal program (two years, $100,000 with 10-percent state county buy-in).—In late 1978, the Atlantic County Prosecutor was awarded the first of two consecutive one-year $50,000 LEAA grants to enable the Office to focus special attention on the prosecution of the small percentage of street crime recidivists which account for a great percentage of street crime because they have made the commission of such crimes their career. During the period from March 1979 to May 1981, the grant was applied toward the salaries of two prosecution of persons charged with homicide, aggravated assault, burglary, robbery or sexual assault who had a significant prior history of arrests or convictions for such target crimes. Once such an offender was identified, and this occurred within two days of arrest, the case would be assigned to one of the two assistant prosecutors for handling in a "vertical" manner. That same attorney would thereafter represent the Office during the bail, investigative, grand jury, plea, trial, sentence and parole stages of the prosecution. During the two years of the program, 250 career criminal cases were processed and most resulted in guilty pleas. Fifteen of the eighteen trials resulted in verdicts of guilty. In 1980, those designated as career criminals sentenced for violent crime offenses received an average custodial term of 23 years.

The program still exists and is presently being reviewed as to both the target crime and criminal history criteria for possible redefinition. It is noteworthy that, because of this program, computerized criminal history printouts are now regularly available in this County virtually immediately after arrest.

E. "Promis" project (Equipment; $157,000 with a 10-percent County Buy-In).—The computer-based prosecutor management information system known as "PROMIS" has been in existence since 1973. In late 1978, on a statewide basis through then Attorney General Degnan, New Jersey applied for and obtained a $1 million LEAA grant which the State matched with an equal contribution to fund the development and implementation of a derivative of the PROMIS system in twelve county prosecutor's offices with a central control within the

office of the Attorney General. What this means to Atlantic County, in a financial sense, is that it will receive $157,000 of computer equipment for a 10-percent county buy-in. The installation of the "PROMIS" system in the first prosecutor's office in the State, Morris County, was completed in January of 1982. Atlantic County will probably receive the system in late 1982. The system, of course, has thus not yet been utilized in New Jersey. However, it is clear that it will become an indispensable management tool in the tracking of cases and court events through the criminal justice process on both a countywide and eventually statewide basis.

5. Criminal justice emergency

As noted, Atlantic County, because of the extraordinary and dramatic impact of casino gaming on the work of law enforcement agencies and virtually all other government services in the area is unique in this Nation. Both Atlantic City and the entire county are virtual laboratories where innovative approaches in prosecuting, controlling and preventing both organized crime activities and street crimes must continually be developed and applied if law enforcement is to succeed in its war against the ever rising crime rates.

C. Endorsements

Joint statement of the National District Attorneys Association, International Association of Chiefs of Police and National Council of Juvenile and Family Court Judges, calling for a more active National Government role in combating violent and serious crime

[David L. Armstrong, President, NDAA, Commonwealth's Attorney, Louisville, Ky.; James P. Damos, President, IACP, Chief of Police, University City, Mo.; John F. Mendoza, President, NCJFCJ, District Court Judge, Clark County, Las Vegas, Nev.]

Sixteen months after President Reagan's election, we call upon he and the Congress to take immediate and effective action to combat the epidemic of violent crime in the United States.

Americans today are living in fear—fear of becoming victims of violent crime. That fear is real. The Department of Justice recently reported that, last year, an American citizen was six times more likely to be a victim of violent crime than he was to contract cancer. In 1980, the Department reported there were about 40 million victims of homicide, robbery, assault, larceny, burglary, and motor vehicle theft. These victimizations affect 24 million American households. This is close to one out of three households in 1980 alone!

Crime has transferred our free society into one in which citizens are barricading themselves in their homes. We are no longer free to walk the streets of our cities. We are no longer safe as we pursue our livelihoods. In fact, we are no longer a truly free society.

While the administration of the criminal justice system and the fight against crime are primarily functions of State and local governments, today there is a vital need for quick and dramatic Federal Government initiative.

The Reagan administration has indicated that pursuit of purely Federal law enforcement efforts are sufficient, and that the full burden of combating violent crime will have to rest with State and local agencies. The fact is that State and local governments alone, especially in many seriously impacted localities, do not have the resources to mount a successful fight. Miami and other southern Florida communities are but one example of this, out-of-control crime in southern Florida has been exacerbated by past Federal Government inaction—wide open immigration policies and the almost total failure to stem the massive influx of illegal drugs from South America and the Caribbean.

The President is the Commander in Chief of the Armed Forces which protect us from foreign aggression. We call upon the President to become the Commander in Chief of domestic law forces which should provide the same quality of domestic protection as the Armed Forces provide for our external defense. Can we expect less if we are to preserve our freedoms at home and some hope for a decent quality of life in many of our major urban areas?

The Federal role in law enforcement is a limited but vital one. It is to provide those resources that, by their nature, the localities and States cannot provide. These include highly targeted funding for demonstration of promising programs to directly impact on violent and serious crime, research and evaluation to determine their effectiveness and when proved workable and cost-effective, information and training so that such programs can be implemented wherever they are needed.

We call upon the President and his administration to provide this indispensible leadership now. We ask them to cooperate with elected Representatives in Congress to assist us in local and State law enforcement, prosecution and the courts to come to grips now with the plague of violent crime. For if we don't act now, this scourage poses immediate danger to subvert our free society, a danger surely as serious as any threat from outside our shores.

[This joint statemet was issued at the Ninth National Conference on Juvenile Justice in New Orleans, attended by more than 700 prosecutors, police, judges, corrections officials and other criminal and juvenile justice professionals. The conference is sponsored yearly by the NCJFCJ and NDAA.]

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., June 9, 1982.

Mr. BRUCE A. COHEN,
Chief Counsel, Subcommittee on Juvenile Justice,
U.S. Senate, Washington, D.C.

DEAR BRUCE: It is a pleasure to respond to your request for comments on the Justice Assistance Act of 1982. In my four years as a lobbyist at the National Association of Counties, I have never written as positive a letter as this one will be. The National Association of Counties strongly supports the general concept of Senator Specter's bill and almost all of its specific elements. On the record—in testimony and in a resolution (see enclosed)—NACo has urged that Congress enact the type of federal criminal justice assistance program that would be established under S. 2411.

It is clear tnat Senator Specter took the pertinent recommendations of the Attorney General's Task Force on Violent Crime, and improved on them. I would like to note some relevant excerpts from testimony

on the Task Force Report that NACo gave before the House Subcommittee on Crime on November 18, 1981:

"While NACo does, for the most part, support the recommendations of the Task Force that deal with intergovernmental issues, we have some suggestions for fine tuning their implementation. Our general comments are that:

(1) In order to be effective, assistance must be provided to all components of the criminal justice system, and not limited to only police and prosecutors;

(2) A small expenditure of federal funds can have a major impact, if efforts are directed toward improving management of criminal justice responsibilities; and

(3) An federal program must include a mechanism for regular input from state and local officials in order to ensure that federal assistance meets the needs of state and local criminal justice systems."

The program in S. 2411 includes all of the elements NACo had recommended. The National Priority and Discretionary Programs are directed toward system inprovement, and the Justice Assistance Board offers a much needed forum for input from state and local governments and criminal justice practitioners, as well as an important mechanism for coordinating federal criminal justice assistance.

NACo supports Senator Specter's decision to use a directed programmatic approach, rather than a block grant program. It simplifies and streamlines the method by which assistance reaches qualified applicants, and makes the best use of limited resources. In addition, with the information and reporting requirements included in the bill, this approach also assures that the Office of Justice Assistance and Congress will be able to assess the impact of OJA programs.

* * * * * * *

As I indicated at the beginning of this letter, NACo thinks the Justice Assistance Act of 1982 is an excellent piece of legislation that provides the type of assistance counties need. If you have any questions about NACo's position on elements of the bill not mentioned here, please let me know. NACo looks forward to working closely with you and Senator Specter to achieve passage of S. 2411 and, then, to assure the success of its programs.

Sincerely,

HERBERT C. JONES,
Associate Director.

RESOLUTION ON THE FEDERAL ROLE IN CRIMINAL JUSTICE

Whereas, crime and delinquency prevention and control are essentially local responsibilities, and local efforts to deal with crime and delinquency are a major nationwide problem; and

Whereas, county and county-type governments spend more than any other level of government on criminal justice activities; and

Whereas, the Law Enforcement Assistance Administration (LEAA) gave state governments far more authority in that program than they have in the criminal justice system, creating a situation in which states had most of the power with little accountability, and thus producing serious intergovernmental barriers to the success of the federal criminal justice assistance program; and

Whereas, the federal government has a unique responsibility to conduct and sponsor research and development on innovative ways to combat criminal justice problems, because adequate testing and demonstration of new programs and strategies is beyond the resources of state and local governments; and

Whereas, federal, state and local governments must work in partnership to respond to the problem of violent crime and its consequences; therefore, be it

Resolved, that the National Association of Counties urges that any new federal criminal justice assistance programs include the following elements:

A single federal agency;

A program that offers training, technical assistance, and limited financial assistance to address the problems of violent crime and the consequences of violent crime with a focus on dealing with it from a system perspective;

State coordination through the existing A–95 clearinghouse function; and

A National Justice Coordinating Board to advise on: coordination of criminal justice activities at the federal level; coordination of local, state, and federal criminal justice activities, where necessary; and the impact of federal criminal justice policies and programs at the state and local levels; and be it further

Resolved, that the National Association of Counties urges that Congress enact no criminal justice assistance legislation whose provisions do not allow for a balance of authority between state and local governments that reflects their respective responsibilities in the criminal justice system.

Approved by the Criminal Justice and Public Safety Steering Committee, February 21, 1982.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, D.C., June 10, 1982.

DEAR SENATOR: The members of the Police Executive Forum would like to take this opportunity to express our support for S. 2411, the Justice Assistance Act of 1982.

As you are well aware, crime continues to plague our nation's cities. Despite tremendous progress over the past two decades, the criminal justice system still operates too inefficiently and ineffectively. The Justice Assistance Act is important for two reasons: First, it accepts the concept that the federal government has an important leadership role in assisting state and local criminal justice. Second, it proposes a mechanism to fill the gap in federal assistance created by the demise of the Law Enforcement Assistance Administration.

While the authorization level in the Justice Assistance Act is considerably lower than the level of federal assistance of previous years, the members of the Forum are sensitive to the fiscal climate which makes higher funding levels prohibitive. Operating within these fiscal restraints, however, S. 2411 contains some constructive measures for improving federal assistance to state and local criminal justice. Under Part D, the legislation facilitates the implementation of programs which have proven successful in our battle against the growing

crime problem. More important, however, is the proposed mechanism under Part E which facilitates the development of innovative programs to combat crime. Many of the proven programs of Part D will undoubtedly become dated and out-moded with time. A federal mechanism to nurture efforts for finding better means of dealing with crime will allow us to continue to progress beyond our current capability.

Federal initiative and support, along with state and local input, have been positive steps in developing methods for improving the criminal justice system and dealing with the national crime problem. The combined programs of the Office of Justice Assistance, the National Institute of Justice and the Bureau of Justice Statistics, as proposed in the Justice Assistance Act, reflects this coordinated effort. The members of the Police Executive Research Forum support this approach and urge you to vote for the passage of S. 2411 when it comes to a vote.

Thank you for your attention to this matter.

Sincerely,

GARY P. HAYES.

AMERICAN CORRECTIONAL ASSOCIATION,
College Park, Md., June 9, 1982.

Attention: Bruce A. Cohen, Chief Counsel.

Hon. ARLEN SPECTER,
Chairman, Subcommittee on Juvenile Justice, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for providing the American Correctional Association an opportunity to respond to your proposed legislation (S. 2411) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to create a new Office of Justice Assistance to "streamline" Federal support activities.

The American Correctional Association, founded in 1870, is the nonprofit professional and national association for corrections. Our membership is open to all correctional personnel, from both adult and juvenile programs, all criminal justice agencies, students, and the general public. With over 12,000 members, its primary purposes are to exert a positive influence on the shaping of national correctional policy and to promote the professional developments of persons working within all aspects of corrections.

I wish to commend you for proposing that the Federal Government will remain actively involved in its support of criminal justice improvements. A comprehensive response to crime must involve all levels of government and must include all components of the criminal justice system in America, including corrections. The Federal role should be one of dynamic leadership, coordination, and adequate funding. The Federal Government can best do this by supporting effective and innovative responses to our Nation's crime problems. Surely, the American public expects more from the national leadership of Government than what appears to be a Federal abandonment of concern for public safety.

We in corrections fully recognize that the Federal Government cannot and should not throw money at States for criminal justice pur-

poses. When this happens, the expectations are too high and it causes a concerned public to be frustrated.

Insofar as corrections is concerned, the present overcrowding of all facilities is no surprise. The phenomenon has been occurring in all peacetime economies since the Civil War.

The American Correctional Association is not concerned with the lack of a block grant concept since corrections is practical on a State and/or local basis and any help is welcomed. Discretionary programs appear more suited to the needs where relatively little money is being considered. We recommend that no specific earmarking of funds for innovative programs be considered.

We concur that the justice assistance board be as autonomous as possible and not reflect a Federal posture. State and local agencies, nonprofit associations representing practitioners, can be a vital force in continuing a reasonable partnership between Federal and local.

We concur with the National Association of Criminal Justice Planners regarding individual sections deletions and changes as presented by that Association's Executive Director, Mark Cunniff, in a letter to you under date of May 25, 1982.

Lastly, we are not enthralled with the idea of placing the Office of Justice Assistance (OJA) under a new assistance attorney general. A small Federal effort doe snot require a high level, bureaucratic office structure where much of the resources will be spent. Each of these offices could be administered separately within the Department of Justice and no one would even miss the intervention of the newly created office.

I am extremely pleased with the portions of your legislation which provide for coordination of the activities of components of the criminal justice system and those which put specific focus on training and education of criminal justice personnel, technical assistance and national demonstration programs for testing innovative new ideas.

Thank you for the opportunity to respond to the merits of S. 2411 and the important role of corrections in any federal crime control effect.

Peace,

ANTHONY P. TRAVISONO,
Executive Director.

EXECUTIVE DEPARTMENT,
GOVERNOR'S COMMISSION ON LAW ENFORCEMENT
AND THE ADMINISTRATION OF JUSTICE,
Towson, Md., May 14, 1982.

Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: As you know, S. 2411, Justice Assistance Act of 1982, was recently introduced by Senator Arlen Specter. I have provided the following comments on S. 2411 to the National Criminal Justice Association and I thought this would be of interest to you:

We are pleased that S. 2411 and H.R. 4481 correctly affirm the federal role in crime and delinquency control, prevention and treatment programs. The administration of criminal and juvenile justice is basically a function of state and local government. The federal

role must be restricted to financial aid, standards, training, technical assistance, coordination, and cooperation with state and local crime control resources.

There is a considerable amount of expertise in state and local government in criminal/juvenile justice planning and coordination. The "Justice Assistance Act of 1982" does not identify a role for state criminal justice councils or local (county, municipal) planners in a review, comment, sign-off, coordination, monitoring, evaluation, or audit functions. In order to reduce fragmentation and isolated approaches to this grants program, state criminal justice councils should be involved from the beginning. Otherwise, "grantsmanship" may prevail over the substantive needs of the system.

The declining federal share of grant funds over a four year period responds to a major criticism of the LEAA formula. It offers state and local governments an incentive to plan and budget resources more effectively.

We are concerned about the program areas listed on pages 18, 19, and 20 regarding "proven effectiveness." The key will be the criteria used by the Director of the Office of Justice Assistance. I suggest state and local involvement in that process in the beginning, perhaps through NCJA, rather than in the review and comment stage usually followed.

I urge your careful consideration of S. 2411 in order to provide Maryland with the necessary resources in our efforts to combat violent and property crimes throughout the State.

Sincerely yours,

RICHARD W. FRIEDMAN,
Executive Director.

AMERICAN BAR ASSOCIATION,
Washington, D.C., February 24, 1982.

Hon. ARLEN SPECTER,
Chairman, Subcommittee on Juvenile Justice, Senate Judiciary Committee, Washington, D.C.

DEAR CHAIRMAN SPECTER: I am writing to you on behalf of the American Bar Association to express the Association's strong support for legislation to provide a program of federal financial assistance for state and local criminal justice efforts. In recent hearings, the Subcommittee on Juvenile Justice considered this subject. These hearings focused attention on four bills—S. 953, S. 1455, S. 1653, and S. 1997.

The American Bar Association has not specifically addressed these bills. However, we have long supported legislation to provide a program of federal financial assistance to state and local governments for criminal justice purposes, and therefore strongly encourage you to move forward to consider such legislation.

In February of 1979, the House of Delegates of the Association adopted an extensive report with numerous recommendations ". . . appropriate to Association positions on any legislation which might be introduced . . . for the purpose of restructuring and reauthorizing the Law Enforcement Assistance Administration." It was the product of a thorough analysis of the experience under the Omnibus Crime Control and Safe Streets Act of 1968 and its numerous amendments, as

administered by the Law Enforcement Assistance Administration (LEAA).

This report details the priorities that the American Bar Association believes should be a part of a federal criminal justice assistance program. Since the Subcommittee can glean these priorities from the attached report, I will only provide you with a brief synopsis of the salient parts of it. First, the Association concluded that high priority should be accorded a federal program for improvements in criminal justice. Second, the Association was of the view that funding should not be the subject of annual, ad hoc decisions. Many successful programs require funding which exceeds one year, and many are irreparably harmed and/or become exceedingly costly, when there are interruptions in the flow of funds. Third, the Association recommended that federal funding focus on the type of assistance which enables private non-profit organizations and community-based organizations to carry out programs of justice system improvement and thereby mobilize their leadership and expertise. It also recommends special focus on improvement and modernization of the correctional systems; development of model goals, guidelines and standards suitable for adaption at national, state and local levels; support for local anti-crime efforts; and greater access to justice through speedy, consistent and fair modes of disposing of criminal cases and appropriate defense and prosecutive services.

Having stated the priorities that the Association believes should govern the structure of a legislation program of federal criminal justice assistance, I would like to relate to you some of the more cogent and pressing reasons that make it imperative that legislation be enacted during the 97th Congress to create such a program that would provide federal financial assistance to state and local governments for criminal justice purposes.

The concept of federal aid for our criminal justice systems is not only sound, but imperative. It is made all the more urgent with the impeding April 15 demise of LEAA. Most criminal justice matters, particularly those that relate to violent crime, are primarily the province of state and local governments. However, states and localities cannot alone bear the burden of controlling and preventing crime. Despite local efforts, crime plagues the nation. It reaches across state boundaries, and even minimal crime control often requires multi-state coordination of information and apprehension systems.

Furthermore, the federal government has several unique capabilities in criminal justice matters. For example, there are improvements and reforms in criminal justice which can most appropriately be developed in federally-supported national programs made available to state and cities—thus avoiding duplicative efforts. Likewise, the federal government is in the best position to encourage coordination among criminal justice components and to minimize the fractionalization which often defeats crime control efforts.

I hardly need to state that our citizens are extremely concerned about crime in our country and in their individual neighborhood communities. This fact has been stated and restated in the past year. Chief Justice Burger devoted his Annual Report to the American Bar Association to this subject in February 1981. The Attorney General created a Task Force to study the subject. President Reagan

made a major policy speech on the subject in September 1981. Hardly a day passes that the Congressional Record does not have several passages by members of Congress on the subject; and of course the nation's newspapers are replete with accounts of daily events and editorials on the subject of crime. In the face of this evidence, it is truly ironic that the federal government would choose this time to abdicate its responsibility to the state and local governments on criminal justice assistance.

The situation becomes even more acute with the realization that agencies that contributed technical assistance to the states on criminal justice matters and complemented state enforcement efforts are also being curtailed. This is most notable in the case of the Bureau of Alcohol, Tobacco and Firearms and the Drug Enforcement Administration. Therefore, not only is direct financial assistance diminished without the existence of a federal program, but, in addition, the diminished capacity of federal agencies that augment the enforcement efforts of the states exacerbates the situation.

You may be aware that on February 10 the House of Representatives responded to this impending crisis by overwhelmingly approving H.R. 4481, an action applauded by the American Bar Association. H.R. 4481 contains many provisions that parallel recommendations of the ABA's 1979 report on federal criminal justice assistance. The ABA urges similar action on the part of the United States Senate.

I hope this information is of assistance to you and the Subcommittee on Juvenile Justice. The Association is pleased to have had an opportunity to express its views to you. Should you need additional information, the ABA Governmental Relations Office and the Criminal Justice Section Office (202/331-2260) will be pleased to provide it to you.

Sincerely,

ROBERT D. EVANS,
Acting Director, Governmental Relations Office.

CARNEGIE-MELLON UNIVERSITY,
Pittsburgh, Pa., July 26, 1982.

Senator ARLEN SPECTER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SPECTER: I understand that the Senate Judiciary Committee is now considering Senate Bill S. 2411, the Justice Assistance Act of 1982, to provide Federal funds for improvement of criminal justice programs. I believe this is an extremely important Bill, and would urge the Judiciary Committee and the Senate to act promptly on it.

Since the objectives of S. 2411 are very similar to those of H.R. 3359, Congressman Hughes' Bill to create an Office of Justice Assistance, I am enclosing a copy of my testimony before Congressman Hughes' Subcommittee on H.R. 3359.

As I indicated in that testimony, I am in sympathy with the decision by the Congress and the Administration in reducing the LEAA Program from a level that was higher than could be used effectively. It would be irresponsible, however, to react to the failings of LEAA by eliminating totally the very important contributions that the Fed-

eral Government can make to addressing the important problems of crime and delinquency and to improving the operation of the criminal justice system. The Federal Government should provide seed money and "risk capital" for important innovations in some States that will be of benefit to the others. Also, the Federal Government should assume responsibility for the development and maintenance of a national program-development infrastructure that the States are not likely to undertake on their own. And, most important, sponsorship of a national program of research and statistics is a necessary Federal function whose benefits are widely shared but which cannot be borne by any individual State. These are important Federal roles that would be lost or at least disrupted, without Congressional action this session.

I am also enclosing a letter I recently sent to Congressman Hughes on the importance of maintaining Federal research and statistics program in criminal justice, and urging the maintenance of a reasonable distance between the more political categorical grant assistance program and the more technical research and statistics program. I would urge that there be Presidential appointees overseeing each program, and that the director of the research and statistics program be required to have excellence in research and statistics and that he not report to the director of the categorical grant program.

I want to summarize my position by urging the Senate to adopt S. 2411. It should do so this session in order to capitalize on the programs that are already underway and to avoid the necessity of incurring the additional startup costs that will be necessary if some of the key elements of the program infrastructure are disrupted.

I want to thank you for your support in this area and to recognize its contribution to major national needs.

Yours truly,

ALFRED BLUMSTEIN.

Enclosures.

COUNTY OF LOS ANGELES,
OFFICE OF THE DISTRICT ATTORNEY,
Los Angeles, Calif., August 2, 1982.

Hon. ARLEN SPECTER,
U.S. Senator,
Russell Office Building,
Washington, D.C.

DEAR SENATOR SPECTER: Let me express my support for the proposed amendment to the Omnibus Crime Control and Safe Streets Act of 1968 (Senate Bill 2411). Most of the good reasons for such support were clearly stated by former Economic Crime Project Director Laurence Brown in his June 4, 1982, letter. Perhaps a few other thoughts would be in order.

1. White Collar/Economic Crime is not a regional phenomenon with each area being subject to its own peculiar frauds; rather, it is strikingly uniform nationwide. Perpetrators of the frauds roam from state to state across the country bilking new victims. Each time the thief enters a new jurisdiction the local prosecutor must begin his investigation unaided by what has gone before—a reinvention of the wheel, as it were. The coordination and liaison within the E.C.P. allowed that

prosecutor to know about and try to intercept that scheme before it became a problem to his community—or at least understand it when it arrived.

2. The National Strategy Program that died when formal E.C.P. funding was withdrawn is desperately needed. Much of the local fraud generated from the proliferation of federal programs goes unprosecuted. This occurs because the responsible federal investigating agency does not refer to local prosecutors those cases the U.S. attorney either formally rejects or never sees because of a declination policy. Many of these cases are prosecutable locally.

3. Legislation is needed in many areas where the white collar/economic criminal operates. New forms of theft and ripoff continually surface which defy the application of traditional theft statutes. The experiences of one part of the country can be easily exchanged with another through the Economic Crime Project.

In connection with the latter category, let me give an example. Business opportunity frauds have always been difficult to prosecute because of the inability to prove intent to steal—commonly known as the "bad businessman" defense. California passed in 1978 its Seller Assisted Marketing Plan law; that law made the failure to disclose certain material facts about the proposed business opportunity a felony. Additionally, failure to file the appropriate disclosure papers with the Secretary of State also constituted a felony. Unable to comply with these laws and stay in business, those targeted left California. The business opportunities advertisements in the Los Angeles Times literally dried up overnight. Based on the California experience, other states have passed such laws. It was through prosecutor contact at Project meetings that the effectiveness of this law was brought home. This is but one example of the Project's effectiveness.

No area needs more the coordination of joint nationwide effort than what is traditionally called White Collar Crime. In this regard an Economic Crime Project or its equivalent is mandatory. Without Senate Bill 2411—national backing for national problems—there is little hope for a united effort.

Yours very truly,

JOHN K. VAN DE KAMP,
District Attorney.

DISTRICT ATTORNEY'S OFFICE,
Philadelphia, Pa., June 4, 1982.

Hon. ARLEN SPECTER,
Russell Office Building,
Washington, D.C.

DEAR SENATOR SPECTER: The Economic Crime Project (ECP) of the National District Attorneys Association (NDAA) wishes to express its strong support for the proposed amendment to the Omnibus Crime Control and Safe Streets Act of 1968 (Senate Bill 2411). In our view, the amendment will provide an opportunity for the reimplementation of many programs such as the Economic Crime project, which were cut off with the demise of the Law Enforcement Assistance Administration (LEAA).

Preliminarily, an explanation of the ECP is in order. The NDAA is an umbrella organization made up of various district attorneys offices

throughout the United States. In 1973, the members of NDAA, recognizing that the proliferation of white-collar crime, corruption and consumer fraud was causing increasingly complex discovery and proof problems for local prosecutors, advocated the formation of a national demonstration project to assist in these areas. This project, designated the Economic Crime Project, was an association within the structure of NDAA, of those prosecuting offices across the country that had separate units designed to combat white-collar crime. Its goals were to provide funding for the development of new economic crime units in local prosecutors' offices; technical assistance through the formation of task forces which targeted five areas of particular abuse; the publication of research materials; training and information sharing conferences and the contracting of support services.

During the period 1973 to 1980, the project was run from the headquarters of the National District Attorneys Association in Chicago with separate quarters for project staff and equipment. The project received $5.3 million from LEAA over this period. As a result of this funding, the project was able to function at such a high level of efficiency that LEAA considered it to be one of the finest, most viable demonstration projects which it funded. During the funded period the following benefits flowed to the membership: sixteen manuals, covering discrete areas of white-collar and consumer fraud were produced for the use of participating units and other law enforcement agencies; a bimonthly law digest was published, detailing investigations, prosecutions and techniques for combating a wide variety of scams and frauds, and was distributed to approximately 2,000 law enforcement agencies per year; over 1 million public awareness brochures were published and distributed; four national conferences per year were held for the purpose of exchanging information and ideas and teaching new investigative and prosecutorial techniques; highly experienced investigative accountants were hired and made available to local prosecutors who otherwise lacked such resources; and the services of Battelle Law and Justice Center were contracted to provide consulting and research support to the project's statistical reporting system, policy planning and assessment of project activities. From 1973 to 1980 membership grew from 15 to 69 local prosecutors offices, serving 40 percent of the United States population.

In 1980, when LEAA funding expired, the individual office members of the project, in conjunction with the NDAA, voted to continue the project and to relocate it in the Philadelphia District Attorney's Office. It was further agreed that this arrangement would last for 2 years, until December 31, 1982, after which the project would disband if Federal funding were not reinstituted in some form.

Since January 1981, the project has been funded through individual unit membership dues amounting to less than 1 percent of the total LEAA budget. Since the project has a national constituency, other sources of funding were unavailing. The project was forced to limit its activities to the extent that only one staff member was hired to keep the project lines of communication open.

What makes the situation of the Economic Crime Project ironic is the fact that at the same time that its source of funding, LEAA, was abolished, the policies of the U.S. Department of Justice were undergoing a change whereby the federal emphasis on white-collar crime

was diminished. Accordingly, the burden of investigating and prosecuting crimes has fallen harder on the offices of state and local prosecutors than ever before. Yet, as stated, the ability to deal with this increased level of sophisticated problems, through projects like the Economic Crime Project, has lessened as the problem has grown.

We support passage of this bill, not because we feel that the Project will be guaranteed funding if it passes, but because we believe that the demise of the Project will be guaranteed if it does not pass. Federal funding for proven national programs that can impact significant numbers of this country's populace should be available under proper conditions and guidelines. The members of the Economic Crime Project believe that, given the opportunity, we can make a strong and viable argument for the funding of our project. But, first we must be given the opportunity, and that opportunity is what this bill will provide.

We appreciate your consideration of our position and we ask that this letter be entered in the official record of the proceedings. We further are willing, to the extent deemed desirable, to appear and testify more fully.

Sincerely,

LAURENCE H. BROWN,
Director, Economic Crime Project.

OFFICE OF THE HENNEPIN COUNTY ATTORNEY,
Minneapolis, Minn., July 30, 1982.

HON. ARLEN SPECTER,
Russell Office Building,
Washington, D.C.

DEAR SENATOR SPECTER: In my capacity as Hennepin County (Minneapolis and suburbs) Attorney during the past 3½ years, I have had the responsibility to direct the prosecution of persons who commit felonies. In this office twenty-five attorneys are criminal prosecutors. During 1981, these attorneys charged 3,500 offenders with one or more felonies.

My role as Chief Prosecutor has been one in which I have seen both the great strengths and the great weaknesses of the criminal justice system. For example, I have been impressed with the vitality of those individual rights which shield all citizens from arbitrary state intervention. Contrariwise, I have been dismayed by what I regard as several, disheartening weaknesses. I am writing you in order to seek your assistance in providing the necessary support to wage a more effective campaign against one of the criminal justice's greatest flaws, the inability to vigorously prosecute the white collar criminal.

Before proceeding further, I must emphasize that the relative immunity of the economic criminal undermines the entire system of justice. Offenders, whose "take" is typically many multiples greater than that of the typical "street offender," often are never discovered because of their sophisticated, fraudulent methods. Even if the white-collar criminal is apprehended, the general difficulty in securing any conviction is compounded in prosecuting the sophisticated offender because of the enormous, technical complexity of many of these cases.

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Our collective failure to meaningfully address this issue has consequences which extend beyond the losses suffered by the victims. Since many of the offenders hold a position of public or professional trust, the general public may lose faith in our basic institutions and professions. Perhaps, most importantly, the great divergence between the "get tough" approach to street crimes when compared to the gentle response to economic crimes gives credence to the charge that our criminal justice system promises equal justice for all but more equal for some. This criticism strikes at the heart of our citizens' belief in the rule of law. Clearly, we cannot permit this belief to be supplanted by cynicism.

How, then, does this involve you? As you know, the Economic Crime Project of the National District Attorneys Association was one of the exceptionally successful LEAA programs. Its policies and programs addressed the very concerns just described. With the assistance of the Economic Crime Project, many of us were beginning to believe that we could turn the corner relative to white-collar crime.

Unfortunately, all these gains and future opportunities now hang by a single, slender thread. Simply stated, funding is the issue. Thus, I wholeheartedly support your effort in this area as embodied by S. 2411 which will earmark funds for continuation of successful criminal justice programs. I am confident that the Economic Crime Project will qualify for these funds. With the assistance of the Economic Crime Project, I am also confident that we will be able to more effectively confront the white-collar criminal.

Thank you for your time and interest.

Very truly yours,

THOMAS L. JOHNSON,
Hennepin County Attorney.

DEPARTMENT OF CORRECTIONAL SERVICES,
Albany, N.Y.

STATEMENT BY COMMISSIONER THOMAS A. COUGHLIN III REGARDING S-2411 (JUSTICE ASSISTANCE ACT OF 1982)

The Department of Correctional Services would like to express its endorsement of The Justice Assistance Act of 1982, Senate-2411, which is currently under consideration by The Subcommittee on Juvenile Justice-Committee on Judiciary, under the leadership of Pennsylvania Senator Arlen Specter. I would also like to take this opportunity to commend the co-sponsors of this measure, Delaware Senator Joseph Biden and Alabama Senator Howell Heflin.

During March of this year, I provided this Subcommittee with testimony endorsing HR 4481, The 1981 Justice Assistance Act, at the time of hearings on this and other proposed legislation. I am very pleased that the aforementioned leading Senators have, through S-2411, brought the agenda of federal criminal justice assistance to states and localities to the hearing process.

In prefacing these remarks, I wish to note that since my earlier testimony, The New York State correctional system has continued to

expand to a record high point with regard to the inmate population. When I last testified, the system had 26,592 inmates; as of Friday, May 28th, the system had increased by 556 inmates to a total of 27,148 inmates, with a system of facilities running at 114.7 percent of capacity. As the third largest state correctional system, this Department strongly endorses S–2411 which includes, under The National Priority Implementation and Replication Program, a specific category (Number 9) providing "programs which alleviate prison and jail overcrowding."

Under the earlier LEAA experience, the criminal justice system throughout the State of New York benefited substantially from Federal support of innovations in law enforcement, courts and corrections. For example, through improved training and case-tracking, higher-quality arrests were achieved, cases were assessed early in the process and prosecution was facilitated. Noteworthy in this experience was the Bronx County MOB (Major Offense Bureau), which received national recognition as an "Exemplary Project" and which has resulted in the sentencing of violent, career criminals to lengthy terms in State prison.

As a corrections case example, through LEAA funding, my Department successfully institutionalized through State funding, various major operations which received initial "seed" money from the Federal Government. Examples of such projects include the following:

1. *Administrative operations:* Staff training, and computerized management information systems.
2. *Program operations:* Vocational education; evening programs; guidance counseling, and family programs.
3. *Security operations:* Crisis intervention (hostage-negotiation), and cost-effective deployment of security staff.

Senate 2411 is an attempt to extract the most productive programs studied during preceding years of funding in order to target funding to the most advantageous areas of operation.

Senate 2411, through its various component funding programs, authorizes $125 million annually. One difference from H.R. 4481 is that the House version authorizes Office of Justice Assistance funding at $170 million annually. However, the Senate bill recognizes the severe fiscal problems currently faced by States and localities in that S–2411, in National Priority grants funds at 90 percent for the first year, 75 percent for the second year, with lower proportions over the remaining 2 years. H.R. 4481, in contrast, funds formula grants to the States at a fixed 50 percent, with minor exceptions.

Both bills provide for Discretionary Grant Programs. Each bill enables funding at up to 100 percent of cost. It is of interest that S–2411 reserves at least 30 percent of these part E Discretionary funds for private nonprofit organizations and neighborhood and community-based groups whereas HR 4481 reserves at least 10 percent for "private nonprofit organizations." Since such discretionary programs cover a specialized grouping of education and training for agency personnel, technical assistance to units of government and national or multi-state demonstration projects, the focus should be upon obtaining the most experienced and talented individuals and groups for delivering the intended products.

Finally, whereas HR 4481 retains the Formula Grant concept of block funding to the various states for specified types of projects S-2411 introduces the concept of National Priority Program grants to, in contrast, specified grantees without the provision of block grants to the states. This issue of direct grants versus block grants is, indeed a critical issue. It is hoped that whichever mechanism for funding is adopted, that the funds may be allocated in a fair manner so as to ensure the most productive utilization of funding by the various components of the criminal justice system. From my perspective, it is essential that regardless of the funding mechanism, there be specified categories of corrections funding such as the aforementioned category (number 9) of the National Priority Program in the area of alleviating prison and jail overcrowding.

In conclusion, there is continued need for a viable program of federal assistance to the states in major areas of criminal justice operations. I wish to assure you that in the event of passage of S-2411, any funded programs in the corrections area would be of major impact to the New York State prison system, especially during these continuing times of severe overcrowding.

Thank you.

D. Press Accounts

[From the Washington Post, Jan. 2, 1982]

The Sun Sets on LEAA

The Law Enforcement Assistance Administration, created in 1967 to aid state and local governments in combating crime, will go out of existence on April 15. The agency has dispensed $7.7 billion to law enforcement officials, court systems and researchers in an effort to make America's streets safe. Since it is obvious that this desirable goal has not been achieved, has all this money been wasted? Not at all.

Perhaps, as a former head of the agency ruefully remarked, the program was oversold from the beginning. LEAA funds represented only 4 percent of the money expended nationally for crime-fighting. It would be unfair to conclude that the agency failed just because, demonstrably, thieves and murderers still roam the streets. Law enforcement remains primarily a responsibility of local government.

In the early years, the LEAA emphasized hardware and spent its money to purchase equipment for police departments—armored cars, communications equipment, riot control apparatus. More recently, the agency concentrated on developing pilot programs. Their impact can be measured by the fact that the costs for 75 percent of the programs eligible for continuation have been taken over by state or local governments.

High on the list of the agency's achievements are programs to reorganize the criminal court systems in 41 states. It also trained about 7,000 court personnel a year. The LEAA was an early supporter of programs focused on family violence. Its anti-fencing STING projects netted almost $300 million in recovered stolen property. Seventy jurisdictions used the career criminal program, which emphasized quick prosecution of persons with previous felony convictions who are charged with serious violent crimes. Of 15,000 alleged dangerous

criminals prosecuted, 93 percent were convicted, with the average sentence being 13 years.

A lightweight body armor, Kevlar, was developed with an LEAA grant of $2 million. The manufacturer estimates it has saved the lives of 400 policemen.

The decision to eliminate LEAA was made originally by the Carter administration, not by Reagan budget cutters. The states should pick up some of the programs and the Justice Department others. The setting of the sun on LEAA should not cloud the contributions the agency has made to the country's continuing battle on crime.

[From the New York Times, Apr. 21, 1982]

What the L.E.A.A. Elephant Learned

The Law Enforcement Assistance Administration, which expired this month, had run through 14 years, five Presidents and $7.7 billion. While it earned a reputation as a bureaucratic white elephant, it was also sadly misunderstood.

The L.E.A.A. was created during the Johnson Administration to help state and local criminal justice agencies make law enforcement more effective. The Nixon Administration imposed bolder plans: it promised victory in a war on crime and generously endowed L.E.A.A. to serve as chief supplier of arms and technology.

The war lasted only a few years before it became clear that the chance of victory was remote. Crime remained a complex social problem, stubbornly resistant to SWAT teams and computer-equipped patrol cars. L.E.A.A. turned back to a research path—only to discover a mortal problem. The Nixon era oratory had pumped up expectations. If L.E.A.A. couldn't reduce crime, people wanted to know, what good was it?

Boondoggle stories didn't help. One famous L.E.A.A. study actually sought to determine why convicts want to get out of prison. But news that the agency had wasted large sums, and the attendant derision, obscured a more important point. Whatever it did not do, L.E.A.A. advanced public understanding of criminal justice out of kindergarten and through some primary grades.

Until the publication of President Johnson's crime commission report in 1967, and L.E.A.A.'s establishment a year later, few people had recognized how much criminal justice is a "hydraulic" system in which solving a problem at one level (tougher sentences) may only displace it to another (crowded prisons). L.E.A.A. projects discovered that the number of police officers on patrol may have little to do with the amount of crime, demonstrated the value of prosecutors focusing on "career criminals," found ways to reduce court delays and developed a range of community programs for convicts.

None of the applied research necessarily reduced crime. Even the soundest new approach may only deal with a small part of the problem, and then only when carried out on a scale that can challenge traditional political and economic barriers. But using cirme rates to

validate such activity is unfair. Crime rises and falls with broad economic, demographic and cultural trends. Criminal justice agencies may never defeat it; their task is to hold the line, without sacrificing their own commitments to fairness and decency.

During the L.E.A.A. years, that task was especially difficult. Funds for criminal justice declined even as fear of crime rose, putting ever more pressure on the police, prosecutors, courts and prisons. In such a bind, the criminal justice agencies were well served by the fresh ideas and management tools developed by L.E.A.A.

The Reagan Administration, preoccupied with deficits and inclined to duck the crime issue, may prefer to remember L.E.A.A. boondoggles. But the successes demonstrated that Washington can in fact do much to help local law enforcement.

Not many police departments would have developed rape squads without leadership and encouragement from L.E.A.A. Few communities could have found the resources to set up programs for victims. The best Federal role is to help localities conduct and apply criminal justice research, with its powerful implications for management. L.E.A.A. may be dead, but the need for such help is greater than ever.

[From the New York Times, May 6, 1982]

APRIL 23, 1982.

To the Editor:

Your lead editorial on April 21, 1982, correctly reflects the circumstances and reasoning which led to the demise of the Law Enforcement Assistance Administration. Most disturbing of the asserted reasons for the death of LEAA is the assertion that fighting crime is exclusively a concern of State and local governments. We believe that the Federal government has an important role to play in providing leadership to States and localities in the fight against crime. Each of us has sponsored bills to do just that.

As Chairmen of the House Subcommittee on Crime and the Senate Subcommittee on Juvenile Justice, respectively, each of us is in a position to understand the successes and failures of the Law Enforcement Assistance Administration. In addition, between us we have eighteen years of experience as prosecutors and thus know first-hand what the appropriate division of responsibility should be in the criminal justice area. This background has enabled us to develop two separate bills (H.R. 4481 and S. 2411) that retain the best of the past programs of Federal criminal justice assistance.

As you know, the House of Representatives passed H.R. 4481 by a vote of 289–73 on February 10th. Ironically on April 21, 1982—the same day of your editorial—the Senate bill was introduced. Each of the bills provides for matching Federal funds for programs that have proven effective. Included in this list are arson programs, victim/witness assistance efforts, treatment alternatives to street crime, "sting" operations, and career criminal initiatives. Each of the bills recognizes that these programs have a proven track record of success. Both of the bills eliminate the needless levels of bureaucracy and red tape found in the old LEAA program. Finally, both bills authorize a new form of coordinated Federal criminal justice assistance to areas like Southern Florida that are experiencing a crime "emergency."

While these bills differ with respect to the level of funding and certain other administrative details, they represent the same fundamental approach to this issue. We hope to work together in the coming months to convince members of both parties that a firm bipartisan commitment to the crime issue is imperative. One of the most important steps the Congress can take is to pass and appropriate funds for a modest Federal criminal justice program that ensure that those programs that have proven successful in the past will be maintained.

Sincerely,

WILLIAM J. HUGHES,
Chairman, Subcommittee on Crime.
ARLEN SPECTER,
Chairman, Subcommittee on Juvenile Justice.

IX. COMMITTEE ACTION

At the request of the Senator from North Carolina (Mr. East), the matter was carried over from the Executive Business Session of the Committee held on August 4, 1982. At the first subsequent meeting at which a quorum was constituted, on September 14, 1982, the Committee agreed, without objection, to report S. 2411 favorably to the Senate with the recommendation that the bill do pass.

X. ADDITIONAL VIEWS

ADDITIONAL VIEWS OF MR. GRASSLEY

I regret that I must oppose the passage of the Justice Assistance Act and the creation of the Office of Justice Assistance. It is not without some surprise that I witnessed the hurried passage of this bill through the Full Committee. Surprise in the sense that not even a year ago, Committee members were in the position of having to trim $60 million from programs which we authorize. What ensued after that directive was the longest judiciary meeting that I can recall. Three hours were devoted to cutting the requested $60 million. Even after that amount of time, we could only bear to cut $50 million and made up the difference by increasing patent fees by $10 million. Nevertheless, the Full Committee has just handily passed a bill with no discussion whatsoever that would call for a $125 million outlay per year.

Furthermore, the Full Committee has just voted to resurrect an entity that the Congress felt fit to phase-out in our Fiscal Year 1981 appropriation only now we call it the Office of Justice Assistance rather than the Law Enforcement Assistance Administration. In a letter dated June 21, 1982, the Department of Justice pointed out that this bill "suffers from a number of significant defects which would severely limit its effectiveness." Among those cited defects is the creation of fragmented statistical gathering units that under the bill are required to publish five annual reports to the President and Congress. While I do not doubt the good intentions behind this legislation and the need to reexamine our criminal justice statistical gathering techniques, I cannot be a part of increasing tomorrow's deficit through hasty action today.

CHARLES E. GRASSLEY.

ADDITIONAL VIEWS TO MR. EAST

It is difficult to escape the conclusion that S. 2411 is anything more than an attempt to resurrect certain features of the old Law Enforcement Assistance Administration (LEAA). Created in 1968 to administer the Omnibus Crime Control and Safe Streets Act (PL 90–351), the LEAA established such a poor record that in November of 1977 Attorney General Griffin Bell, after studying the program, confessed to President Carter:

> It was not possible to determine what impact the LEAA program has had on the criminal justice systems of State and local agencies;
>
> An incredible (and indeterminate) amount of LEAA money disappeared into overhead and bureaucratic processing;
>
> The program was essentially unmanageable, inefficient, and ineffective.[1]

In 1979, the Justice System Improvement Act made an attempt to restructure the program, establishing an independent National Institute of Justice (NIJ) to conduct research and a Bureau of Justice Statistics (BJS) to collect and disseminate data. The Office of Justice Assistance, Research and Statistics (OJARS) was to coordinate the activities of the LEAA, NIJ, and BJS as well as those of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Much of the Act became ancient history, however, when Congress approved a fiscal year 1981 budget that phased out LEAA grants and restructured funds for the NIJ and BJS.

That S. 2411 promises to perpetuate a number of the erroneous concepts of the defunct LEAA seems clear enough. Under the revised version of section 302, for example, the BJA will collect and disseminate data relevant to crime rates and the operation of the criminal justice system at all levels of the Federal system. It should be borne in mind, however, that this practice met with failure under the LEAA, because of the widespread discontent with the LEAA statistics program among State and local law enforcement officials. This may be explained in part by the traditional reluctance of local officials to participate in the data collection efforts of Federal agencies. As Mae Churchill, President of the Urban Policy Research Institute, pointed out,

> Nobody, to date, has figured out how to extract uniform, valid, accurate information from local law enforcement agencies without infringing on the constitutionally local nature of the police function.[2]

[1] Memorandum to President Carter, quoted in Churchill, "Carter's Born-Again War on Crime," Social Policy, Nov.–Dec. 1978, 40, 41.
[2] Id. at 42.

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A substantial portion of LEAA funds was devoted to extracting information from reluctant officials. Local and state agencies were furnished with uniform criminal justice history forms, computer hardware from recording and retrieving criminal justice information, and facilities for a national law enforcement telecomunications system (NLETS). By 1976, so few state and local law enforcement agencies were fully participating that then-FBI Director Clarence Kelley recommended discontinuing the Computerized Criminal History (CCH) operation, which seemed to be accumulating arrest records, primarily without disposition data.[3] A 1974 editorial graphically illustrates how poorly the "national objectives" CCH was supposed to advance accorded with the actual concerns of the states:

> Born in controversy and nurtured by bureaucratic infighting, the CCH system apparently is not fulfilling any great need in the criminal justice community today.
>
> New York has been kicked out of the system because it did not want to spend the money to update the criminal histories on file; Pennsylvania has dropped out for economic reasons. . . . If the system were truly of great benefit to the law enforcement community and others in the criminal justice area, many would be flocking to the system even if they had to pay for it themselves.[4]

Similarly, section 202 of the Act, as amended by S. 2411, apparently continues the LEAA research program. Under this provision of the bill, the NIJ will continue to conduct or authorize a wide range of, research programs. It should be recalled that the LEAA carried out some its most wasteful projects under similar provisions.

In addition, S. 2411 presents a number of administrative difficulties. It creates the post of Assistant Attorney General for Justice Assistance to provide staff and services support to OJA, NIJ and BJS. The heads of the OJA, NIJ, and BJS, however, will each possess employment authority, rendering the position of the Assistant Attorney General meaningless and redundant.

The bill, moreover, would preserve the ambiguous relationships currently existing between the NIJ, BJS, and the new OJA. Each of these three agencies is independent of the other two, with the President appointing the heads of all three units. Despite the lack of any real administrative connection, they would have overlapping functions: the OJA would collect and disseminate information, the NIJ would conduct research, and the BJS would collect, analyze and disseminate data. If these agencies are to be coordinated, they should share personnel and support services.

Finally, S. 2411 would create a Justice Assistance Advisory Board and continue the current NJS and BJS advisory boards. Although the bill provides for interlocking membership on these boards (on National Advisory Committee for the OSJDP) it would authorize $500,000 for the operation of each of the three boards and would authorize each board to hire its own staff. This cumbersome, overlapping structure

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[3] Id.

[4] Quoted in Churchill, id. at 42. New York and Pennsylvania, two of the earliest states to develop CCH programs, withdrew from the system in 1974, finding that they could not justify the cost of updating the duplicate records held by NCIC.

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would serve no significant purpose, and funding it would create a drain on existing resources.

In his letter of June 21, 1982, Asssitant Attorney General Robert A. McConnell explained that the bill not only would perpetuate the cumbersome administrative apparatus that plagued earlier programs, but would also create additional organizational problems:

> The bill, however, suffers from a number of significant defects which would severely limit its effectiveness. For example, it does not actually address the cumbersome administrative apparatus of the Judice System Improvement Act (JSIA). Instead, it replaces LEAA with a new Office of Justice Assistance and seeks to establish a new Assistant Attorney General in place of OJARS, while continuing as separate entities NIJ, BJS, and OJJDP. Moreover, it would give the heads of NIJ and BJS independent personnel authority while, at the same time, requiring the newly established post of Assistant Attorney General for Justice Assistance to "provide staff and services support from the Department of Justice" for OJA, NIJ, BJS, and OJJDP. The resulting fragmented authorities are confusing and redundant. S. 2411 would also create a new Justice Advisory Board, in addition to three other advisory boards created by existing statutes (resulting in a total of 60 Presidential appointments), and would authorize appropriations of $1.5 million per year for advisory board operations. Further, the bill would require the various units to publish five annual reports to the President and Congress. This level of expenditure of both human and fiscal resources required for advisory activities is excessive.

On these grounds alone, the Administration opposes the legislation.

At bottom, S. 2411 suffers from the erroneous assumptions that have always plagued Federal give-away programs: that we can solve the many problems of society by throwing money at them. Like most federal grant-in-aid projects, S. 2411 also promises to weaken further the police powers of the States that are reserved under the Tenth Amendment. It is time we re-evaluated these assumptions and examined them with a fresh perspective and greater awareness of the constitutional and practical difficulties they create.

Proponents of S. 2411 contend that it protects the States—that it "fully recognizes the predominantly State and local nature of law enforcement"; and that it offers "express guarantees of their sovereignty and explicit limitations on the Federal authority involved."

Furthermore, they assure us that S. 2411 "envisions only a minimum of administrative and management structure" (Cong. Rec. April 21, 1982. S. 3776.)

These assurances offer little comfort in light of the record of abuses and usurpation of authority under today's Federal grant-in-aid programs. When Congress first implemented such programs on a large scale during the New Deal,[5] we were assured that these programs

[5] The first significant law granting funds to the states from the national treasury was the Morrill Act of 1862, which instituted the system of land grant colleges. Until passage of the Sixteenth Amendment (income tax) in 1913, however, Congress had only a limited capacity to spend because it had only a limited capacity to tax. Ascik, "Block Grants and Federalism: Decentralizing Decisions" Backgrounder No. 144. Heritage Foundation. June 5, 1981 (hereinafter "Ascik").

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would not compromise the independence of the states. The history of the grant-in-aid programs since that period has failed to bear out the truth of these claims.

Initial constitutional support for the grant-in-aid concept was developed by the eminent constitutional scholar, Professor Edward S. Corwin. In a famous address delivered to the annual meeting of the Association of American Law Schools,[6] he set forth a concept of cooperative federalism that was subsequently adopted by the Supreme Court as constitutional law.[7] Among Corwin's major contentions were the following:[8]

(1) Federal grant-in-aid programs already in effect did not "break down state initiative and devitalize State policies."[9]

(2) Federal grants would not cause the growth of an immense bureaucracy in Washington threatening the federal system; instead, national-state cooperation would actually "diffuse bureaucracy in preference to concentrating it at the national capitol.[10]

(3) States unwilling to comply with federal regulations always had available the option of not accepting federal aid.

The New Deal Programs for which Corwin provided a theoretical framework with his concept of cooperative federalism acquired a further aura of respectability from a second argument: the urgent demands of the Depression demanded federal exercise of powers traditionally reserved to the states; they required a qualified federalism. Thus in *Steward Machine Company* v. *Davis*, 301 U.S. 548 (193) and *Helvering* v. *Davis* 301 U.S. 8888 (193), the Supreme Court observed:

The fact developed quickly that the states were unable to give that requisite relief. The problem had become national in area and dimensions. There was need of help from the nation if the people were not to starve.[11]

When money is spent to promote the general welfare, the concept of welfare or the opposite is shaped by Congress, not the states. So the concept be not arbitrary, the locality must yield.[12]

These two contradictory arguments—that extraordinary, urgent conditions mandate federal control of, or involvement in, spheres historically reserved to the states but that federal assistance somehow will also promote federalism, not undermine it—have provided the theoretical rationale for federal pre-emption of state authority ever since the New Deal. As the precedent of federal assistance has become more and more established, the national government has had a progressively easier time demonstrating the existence of supposedly urgent conditions justifying interference. In fact, by the 1960s, when President Johnson's Great Society began, Congress could establish a federal presence in areas like elementary and secondary education merely by asserting that these areas were ones of national concern. The reason was that a national assumption had begun to permeate our culture, *viz.*, that Federal bureaucrats are better equipped than local com-

[6] Published in 8 American Law Review 687 (1937) (hereinafter "Corwin").
[7] See *Steward Machine Company* v. *Davis*, 301 U.S. 548 (1936) and *Helvering* v. *Davis*, 301 U.S. (1936).
[8] For a more detailed analysis of Corwin's speech see Asclk, supra, at 7 ff.
[9] Corwin at 701.
[10] Id. at 701.
[11] 301 U.S. at 586.
[12] 301 U.S. at 645.

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munities to define and solve local problems. As a result the list of social problems and causes deemed to be in the national interest and to require federal action expanded exponentially. Congress came to view federalism not as a real division of authority to act, but, rather, as one writer puts it, "simply as a *traditional separation of attention*—the national government having customarily dealt with a certain range of public issues and the state governments having concerned themselves with other issues." [13]

Corwin's program of a cooperative federalism which would combine the greater "financial strength" of the national government with the "wider coercive powers" of the state governments has not met with the success he hoped. In fact, the coercive and regulatory powers of the states have actually been supplanted by the coercive and regulatory power of the national government. Speaking at the annual meeting of the Council of State Governments' Eastern Regional Conference held in July 1980, Governor Richard A. Snelling of Vermont described the present relationship between the state and federal governments in this way:

> Now, four out of 10 state and local employees are actually federal employees in disguise, marching like a select army to the guidelines and regulations of Washington. Now almost 25 percent of the budgets of state and local governments are federal tax dollars, recycled and restricted and guarded by serious penalties for non-compliance with even minor details. The grant-in-aid system cost $83 billion in fiscal 1979 alone and accounted for 17 percent of the total budget of the U.S. government.[14]

Growth in federal aid has not augmented the sovereign powers of the states. Instead, it has brought about an increasing state and local dependence upon federal funds. This growing state dependency is most dramatically illustrated by the rising proportion of state budgets received from federal sources. In 1960, federal aid represented less than 15 percent of state-local budgets. By 1970 the percentage had grown to just under a fifth of state-local budgets; and by 1979 it amounted to a fourth of state-local budgets for that year.[15]

While the volume of federal assistance has gone up, so has the percentage of state agencies that receive federal aid—from 34 percent in 1964 to 74 percent in 1978.[16] In 1979 it was reported that 26 percent of the state agencies surveyed received at least half of their revenue from Washington, up from 14 percent in 1968.[17] Today, federal grant-in-aid programs premeate every local of state government.

Federal assistance of this sort has transformed the relationships between state and local governments. Until the 1970's, most outside aid to local governments came from the states or passed through the states. The enactment, beginning in 1972,[18] of a series of programs that sent

[13] Ascik, supra at 10.
[14] "American Federalism in the Eighties" reprinted in 170 "State Government," Autumn, 1980.
[15] Rochelle L. Stanfield, "If You Want the Federal Dollars, You Have to Accept Federal Controls," National Journal Jan. 19, 1980, 105.
[16] Id.
[17] Id.
[18] Id. at 106. Congress enacted general revenue sharing in 1972, the Comprehensive Employment and Training Act (CETA) in 1973, and the community development block grant program in 1974.

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funds directly to cities and counties began undermining the traditional relationships between states and their political subdivisions, so that local governments became directly accountable to, and under the control of, the national government.

With growing dependence upon federal aid, the contention of Corwin and others that states have the option of not accepting federal funds (the "simple expedient of not yielding" to a federal offer of assistance [19]) has proved to be illusory. Exercise of this option today would mean curtailment of the vast number of benefits and services that local governments offer in reliance on federal funds, funds which are their largest single source of revenue.[20] Although a theoretical right exists on the part of local governments to refuse aid, political realities insure that few state officials can or will choose to exercise that right. As the population has shifted from areas like the Northeast, which had traditionally provided a host of social services, to other areas, political pressure from new residents to accept government grants has mounted even in areas that had been opposed on principle to accepting grants.[21] Once an area has begun accepting government funds, it is usually politically unpopular to discontinue the services that federal revenue made possible. Instead of refusing government aid, local officials must watch their governments become more and more dependent upon Washington. Governor Snelling has aptly described the situation that now exists:

> The fact is, federal money is very attractive and nearly impossible to resist. The money is there, for any state or local government, if only it will agree to abide by certain conditions. It may cost something in matching shares or it may be cut off if the conditions are not met explicitly, but it certainly helps to meet funding needs for programs that might not exist without federal impetus.[22]

Accompanying the increased dependency of local and state governments on Washington has been forced submission to an ever-more-rigid program of federal control. The tendency has been, whatever the original nature of a program, to decide that state and local governments need detailed regulations and guidelines to insure uniformity and accountability in administration. Additional impetus for tightening control has come from a modern conviction that the national government is the only institution capable of solving the problems of our society. Proponents of this notion assume that the President and Congress should determine a set of national priorities and then encourage states and localities, as recipient institutions, to shift their resources toward these national goals. Apparently the Federal government has been quite successful in inducing states and localities to follow its tune. According to one study—

> When they have to choose between federally supported activities and those they have to pay for themselves, states and localities inevitably do the kinds of things for which federal aid is available. As national priorities—or the whims of

[19] In *Frothingham* v. *Mellon* and *Massachusetts* v. *Mellon*, 262 U.S. 447 (1923).
[20] Ascik, supra, at 17.
[21] Id. at 108.
[22] 170 "State Government," supra, at 168.

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Congress and the Administration—change, so do the activities of state and local governments.[23]

An unfortunate effect of transforming states into institutions whose primary function is to implement a federal program of priorities is that such a system ends up stifling the very creativity it is meant to enhance. Ironically enough, many ideas for federal programs originated in state programs—unemployment insurance in Wisconsin, for example, and food stamps in Vermont.[24] Where state funds and resources are increasingly tied up in pursuit of federal objectives, however, fewer resources will be available for state experimentation, particularly in areas upon which the national government has not yet focussed its attention.

This program of financial aid to the states, however laudable its purpose, promises to undermine Federalism further. In asserting that S. 2411 fully protects the sovereignty of state and local governments, the Committee report overlooks the real nature of the financial relationships between the different levels of government. The system of grants and assistance, and their accompanying regulations directed to individuals, private institutions, state governments, and local governments is the principal means by which the federal government ensures state and local conformity to its policies. States and local governments, once they have accepted federal funds in order to implement new programs or offer additional services to the public, face great practical difficulty in extricating themselves from federal control. By its very nature, in other words, the grant-in-aid concept discourages the freedom, independence, and variety of approaches to public policy issues that were once the hallmark of our federal system.

For the reasons briefly outlined here, I urge my colleagues to join me in opposing this legislation. The solution to crime, in my judgment, lies not in the Federal Treasury, but in the reform of our courts and our system of justice. Until these substantive changes in our laws are made, measures like S. 2411 will continue to be a serious waste of taxpayers' funds.

JOHN P. EAST.

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[23] Stanfield, supra, at 106.
[24] 170 "State Government," supra at 169.

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